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OF THE

INTERSTATE COMMERCE COMMISSION

DECEMBER 1, 1924

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THE INTERSTATE COMMERCE COMMISSION

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REPORT OF THE

INTERSTATE COMMERCE COMMISSION

WASHINGTON, D. C., *December 1, 1924.*

To the Senate and House of Representatives:

The Interstate Commerce Commission has the honor to submit herewith its thirty-eighth annual report to the Congress. The period covered by this report extends from November 1, 1923, to October 31, 1924, except as otherwise noted.

A statement of appropriations and aggregate expenditures for the fiscal year ended June 30, 1924, is embodied in Part I of this report. The names of employees and the expenditures in detail are set forth in the accompanying statement which constitutes Part II of this report.

APPROPRIATIONS

In our last report the amounts of our estimates for 1925 were basic and did not include any increase in compensation for employees by reason of reclassification. Such increase was subsequently approved in the amount of $281,080. We supplement the table in that report showing the amounts of our estimates, the amounts of the estimates approved by the Bureau of the Budget, and the amounts appropriated by the Congress, by adding thereto in the following table the available data for the fiscal year 1926:

	Our estimates	Budget estimates	Appropriations
1923	$5,649,500	$5,344,970	$4,879,500
1924	5,204,500	4,514,500	4,903,860
1925	4,688,860	4,279,500	[1] 4,272,284
1926	7,364,496	4,913,500	

[1] To be increased by approximately $350,000 covered by pending legislation.

The details of the estimates for the fiscal year 1926 for the various branches of our activities follow:

	Our estimates	Budget estimates
Commissioners and secretary	$139,500	$139,500
General	2,318,660	2,100,000
Accounts	1,189,670	600,000
Safety	395,000	500,000
Signal and train control devices	292,040	
Locomotive inspection	500,000	450,000
Valuation	2,369,626	1,000,000
Printing and binding	160,000	124,000
Total	7,364,496	4,913,500

As stated in our last report, our reference to these repeated reductions is not in the nature of an appeal, but we believe it is our duty to again inform you that under the appropriations which have been reduced we can not carry on in the future the same amount and kind of work as has been performed in the past.

We have endeavored in the past to perform additional duties placed upon us from time by new legislation without asking for supplemental or deficiency appropriations, except when such additional funds were absolutely necessary. We have also endeavored in all instances to respond promptly to resolutions of the Congress or of either house of the Congress, and to the many requests made upon us by the various committees of the Congress and individual Senators and Representatives. Much of the work in connection with the foregoing was at considerable expense, and without additional appropriations to cover the same. It does not seem that it will be practicable or possible for us to perform in the future any additional work of this nature unless the requests therefor are accompanied by authority for sufficient moneys to defray the necessary expenses in connection therewith, unless, of course, we should curtail materially or discontinue entirely some of the work now being performed, all of which we consider necessary to the proper performance of our regular duties.

INCREASE IN LOCOMOTIVE-INSPECTION FORCE

In our last two reports we directed attention to the fact that the work of our bureau of locomotive inspection had been restricted by insufficient appropriations and an inadequate number of inspectors. The act of June 7, 1924, authorized the appointment, as the needs of the service might require and within the appropriation, of not more than 15 additional inspectors. The need for the additional inspectors is clearly indicated by the large percentage of defective locomotives and the number of accidents and casualties resulting from failure of such locomotives. The Civil Service Commission has been asked for a list of eligibles from which the additional inspectors will be appointed as funds become available.

The appropriation for the fiscal year ended June 30, 1924, was $300,000, to be expended pursuant to the antideficiency act of February 26, 1906, in monthly allotments of $25,000. Expenditures were kept within that amount only by curtailing the travel of the inspection force to the detriment of the service.

The statistics set forth in the chapter of this report which deals with the work of the bureau clearly indicate the importance of maintaining that work at the highest attainable standard.

COOPERATION BETWEEN FEDERAL AND STATE COMMISSIONS

The cooperative plan governing the joint conduct of cases embracing interrelated interstate and intrastate issues, published as an appendix to our 1922 annual report, and discussed in that report, is abundantly justified by its fruits. More and more frequently the State commissions are meeting this commission in the full spirit of the plan, and the practical results are proving of benefit to them and to us, to shippers, and to the carriers. The evils of interstate-intrastate maladjustments of railroad rates, etc., are thus avoided or corrected by a concurrent and harmonious exercise of Federal and State authority.

SECTION 28 OF THE MERCHANT MARINE ACT, 1920

In our report for 1921 we stated that upon appropriate certifications received from the Shipping Board we had suspended indefinitely the operation of the provisions of section 28 of the merchant marine act, 1920. We endeavored to indicate some of the effects which the operation of this section might have upon the flow of commerce through different ports and the possible resultant injury to some ports and said:

> In our judgment the Congress should take such action with respect to this section as may be necessary to obviate unnecessary conflict with the needs and usages of inland transportation.

By order dated March 11, 1924, upon further appropriate certification dated February 27, 1924, by the Shipping Board, the previous suspension of the operation of the provisions of this section was lifted with respect to the transportation of all commodities other than grain between ports of the United States and ports of Great Britain and northern Ireland and the Irish Free State, the ports of Continental Europe north of and including Bordeaux and the east coast of Asia, the Islands of the Pacific Ocean, Australia, and the East India Islands and the ports of Central and South America, effective May 20, 1924. In a press notice dated March 12, issued simultaneously with this order, we stated that we construed section 28 as requiring us to lift the suspension of the operation of the provisions of the section in accordance with the certification of the Shipping Board, and that we felt it necessary that sufficient notice of that lifting be given to enable carriers to amend their tariffs naming rates and charges between points in the United States in an orderly manner. Numerous protests with respect to this action were received and several bills, to which we will refer later, were introduced in both branches of Congress. A formal petition also was filed on behalf of some of the most important American shipping interests in the country, in which we were requested to postpone the operation of

section 28 for such further time beyond May 20, 1924, as we might deem reasonable under the circumstances. We thereupon assigned for oral argument and the presentation of such matters as were pertinent thereto the sole question of the propriety of extending the effective date of our supplemental order of March 11, 1924. By report and order in *Section 28 of the Merchant Marine Act*, 88 I. C. C. 645, we modified our order of March 11, 1924, by changing the effective date of the termination of the suspension from May 20, 1924, to June 20, 1924, and said:

> We are of opinion that section 28 does not confer upon us any power to review the certificates made to us by the board, or to determine the facts as to adequacy of shipping facilities independently, or otherwise than as certified to us by the board. Congress has delegated to us no power to amend or repeal section 28. Nor has Congress authorized us to substitute our judgment for the opinion of the Shipping Board, as certified to us, in determining, when we act under section 28, whether American shipping facilities are in fact adequate.
>
> The merchant marine act, 1920, does not repeal any provision of the interstate commerce act. * * * Our power under section 28 extends to fixing, in our order lifting the suspension of that section, such a reasonable effective date as should enable the carriers subject to the prohibitions of that section to comply with both statutes in an orderly way, and to avoid violations of law by bringing their tariffs into conformity with section 28, in so far as that may be done, while observing the mandates of the interstate commerce act.
>
> Upon consideration of the record, including the matters submitted to us at the hearing, we find that the present effective date of our order of March 11, 1924, should be extended from the present date, May 20, to June 20, 1924, and it will be so ordered. This additional period should be utilized by the rail carriers in the endeavor to adjust their schedules so that the rates which will be put in for the purpose of complying with the mandate of section 28 of the merchant marine act will conflict as little as possible with the outstanding provisions of the interstate commerce act, and minimize the disturbance and controversy as to the application of the respective statutes.

Under date of May 8, 1924, the Shipping Board certified that "doubt has arisen whether shipping facilities under the American flag are adequate in all respects, to the trade ranges specified in" its certificate of February 27, 1924, and accordingly withdrew the last-mentioned certificate. Thereupon, on May 10, 1924, we entered our sixth supplemental order vacating and setting aside our order of March 11, 1924, and continuing in force until further order our previous orders suspending the operation of the provisions of this section.

Some of the bills introduced in Congress proposed to amend this section by inserting an effective date, in most instances July 1, 1925. One proposed to provide for the termination of the suspension of the operation of the provisions of the section "in whole or in part * * * in the discretion of the commission, either on its own initiative or after full hearing * * * ." Hearings on this bill

were held before the Committee on the Merchant Marine and Fisheries of the House of Representatives. The print of the record of these hearings includes our letter of March 15, 1924, to the chairman of the Committee on Interstate Commerce of the Senate, which was "devoted to calling attention to a few possible results to carriers and ports of the United States of making effective the provisions of section 28."

In our reports for 1922 and 1923 we adhered to our previous recommendations. The Congress still has this matter before it, and the developments of the past year warrant us in again directing its attention to the need for remedial legislation.

RAILROAD EARNINGS

The slackening of business in 1924 has reduced the gross earnings of Class I railways during the first eight months of this year by nearly $338,000,000, or about 8 per cent, below those of the same period in 1923. As a result of a reduction in expenses, the net railway operating income does not reflect the full decline in revenues, the decrease in the eight months' period having been only $69,656,191. For the period of twelve months closed with August 31, 1924, the net railway operating income was $912,056,948, as compared with $936,790,371 for the 12 months closed with August 31, 1923. The corresponding figure for the calendar year 1923 was $977,657,368; for 1922, $776,880,593, and for 1921, $615,945,614. In short, the net earnings from railway operations have recently been better than in 1921 and 1922, but not so good as in 1923, which, except for the year 1916, was the best year in the absolute amount of the net earnings. However, in the calendar year 1916 the revenues were less than 60 per cent of those of 1923, indicating a decided reduction since 1916 in the ratio of net railway operating income to operating revenues, which was over 28 per cent in 1916 and under 16 per cent in 1923. This corresponds with the fact that the operating ratio was 65.73 per cent in 1916 and 77.83 per cent in 1923. For the first eight months of 1924 it was 78.13 per cent.

As the annual net railway operating income has been recently less than $1,000,000,000, it is safe to say that the return of 5¾ per cent upon fair value is not being received by the carriers. We are unable to say precisely what the return is, as a fair value for the carriers in groups or as a whole is not being determined by us except in so far as necessary for the purpose of a general rate case. It is well to note in this connection that net railway operating income takes no account of non-operating income or of interest charges. When these and related items are taken into account, the result is called, in our official reports, net income. For roads of Classes I, II, and III, excluding

switching and terminal companies, the net income in 1923 was $642,242,713. This was 7.06 per cent of the capital stock. The corresponding figure in the peak year 1916 was 8.40 per cent. That the net income in relation to stock could be nearly as good in 1923 as in 1916 in spite of a greatly increased operating ratio is explained by the fact that the railway securities outstanding have not for the most part been inflated by the present high costs of construction, so that it takes a smaller per cent of revenues to pay the interest charges and yield a fairly good return on stock.

SHORTENED PROCEDURE

In our last report we described a new procedure, referred to as the shortened procedure, with which we had been experimenting in the handling of the simpler formal cases filed with us. Based upon the results obtained during an experimental period of approximately one year and the expressed approval of a substantial number of attorneys and traffic officials practicing before us, as well as bodies representing large organizations of shippers and carriers, on December 3, 1923, we adopted the shortened procedure as a part of our formal procedure and assigned the conduct of this class of cases to our bureau of formal cases. Pending adoption of permanent rules to govern the new procedure, we have continued to operate under the tentative rules described in our last report.

During the last six months the use of the shortened procedure was suggested by one or more of the parties in approximately 35 per cent of the cases placed on the shortened procedure docket.

The results thus far obtained are shown below:

Number of cases:	
Suggested for handling under the shortened procedure, either by us or by the parties	709
In which method not accepted by one or more of the parties	157
In which agreement was subsequently reached by the parties making further formal proceedings unnecessary—	
Before service of complainant's memorandum	42
After service of complainant's memorandum	47
Transferred to suspense calendar	22
In which complaints withdrawn	7
In various stages short of submission	198
Submitted	101
Decided	135

In cases thus far decided which were handled under the shortened procedure the average time required to reach a decision has been 322 days from the date of receipt of the complaint and 236 days from the date of receipt of the complainant's memorandum of facts and argument.

MODIFIED PROCEDURE

When, in December, 1923, we adopted the shortened procedure as a part of our formal procedure, we authorized one of our number to conduct further experiments with a view to shortening and making less expensive the procedure in cases in which the issues are more complicated than those in cases handled under the shortened procedure and in which it is assumed that an oral hearing is necessary. We have designated this new method the "modified procedure."

Briefly, after the complaint has been served the parties are asked to exchange memoranda and exhibits stating the facts upon which they rely. These memoranda are then assigned to an examiner, who serves upon the parties a memorandum enumerating (*a*) the points upon which the parties agree; (*b*) those regarding which they agree only in part; and (*c*) those regarding which they do not agree. Immediately after the case is formally opened for hearing, the examiner informally directs the parties' attention to the points regarding which they have agreed only in part and those regarding which they have not agreed, with a view to having them compose their differences in whole or in part and stipulate into the record an agreed statement of all of the facts or leave for oral hearing as few disputed questions as possible. The case then proceeds to hearing solely upon those points concerning which agreement has not been reached. To avoid delay in the service of a proposed report by the examiner it is suggested to the parties that, wherever possible, they should be prepared at the close of the hearing to orally argue the case before the examiner and should waive the filing of briefs.

After the examiner's proposed report has been served the procedure is the same as in all other cases; that is, printed exceptions to the report may be filed, as provided by our rules of practice, and oral argument may be had upon seasonable request therefor.

STUDIES IN EFFICIENCY AND ECONOMY

To go into the question of efficiency of railroad management in a thoroughly effective way would necessitate an organization of technical experts especially qualified to investigate its numerous phases and would also require a large additional appropriation. To inform ourselves so far as practicable of the progress of the carriers in improving their methods of management, therefore, we rely, to a large extent, upon data filed by the carriers on prescribed forms, and upon information gathered at formal hearings. We have published two special annual reports designed to facilitate comparisons of averages bearing on the efficiency of operation for the years 1923, 1922, 1921, and 1916.

The following table affords a comparison of selected operating ratios:

Comparison of selected items, operating averages, Class I steam roads, eight months 1920 to 1924, also August, 1924 and 1923

UNITED STATES

Eight months ended with August	Net ton-miles per mile of road per day	Trainload		Average miles per hour of trains	Net ton-miles per car-day	Average car-load tons	Car-miles per car-day	Per cent loaded of total	Cars per train	Locomotive-miles per locomotive-day
		Gross tons (except locomotives)	Net tons							
1920	5,179	1,433	708	10.3	483	28.8	24.0	69.9	36.2	61.6
1921	3,929	1,423	646	11.5	378	27.9	21.7	62.5	38.1	48.3
1922	3,999	1,445	655	11.5	388	26.2	22.3	66.4	38.6	48.8
1923	5,341	1,528	716	10.8	510	28.2	27.4	66.0	39.4	60.3
1924	4,792	1,569	704	11.5	455	26.8	26.1	65.0	41.4	54.0
August—										
1923	5,552	1,592	745	11.0	528	28.5	28.3	65.4	40.9	60.1
1924	5,010	1,655	746	11.7	472	27.1	26.7	65.2	43.2	52.9

The condition of locomotives and freight cars in 1921 and 1922 occasioned much concern. The following table, however, indicates that the amount of such equipment out of service has been reduced to a more normal average.

Percentage of locomotives and freight cars unserviceable

UNITED STATES

Period	Per cent of freight cars unserviceable	Per cent of locomotives unserviceable	
		Road freight	Road passenger
1920	7.0	24.5	24.8
1921	13.1	24.0	23.1
1922	12.8	25.5	23.5
1923	8.0	21.6	20.8
1924 (8 months)	7.6	19.0	18.5

In our last report we referred to an investigation instituted into the efficiency and economy of management of common carriers, with reference particularly to the maintenance of equipment. Additional hearings have been held and the record is now being studied with a view to issuing a report thereon.

ADVANCEMENT OF AUTOMATIC TRAIN-CONTROL WORK

As stated in our last report, we adopted in June, 1922, specifications and requirements for the installation of automatic train-stop or train-control devices, without recommending any particular devices or any particular type, and by order served on 49 carriers directed each to

install by January 1, 1925, upon a full passenger-locomotive division included within designated portions of its lines, a device in accordance with these requirements.

In January, 1924, we adopted and served a second order requiring 47 of the original 49 carriers to install these devices on a second full passenger-locomotive division, and 45 additional carriers to install these devices on one full passenger-locomotive division within designated limits upon their respective lines by February 1, 1926.

On March 3, 1924, 88 of the carriers filed a joint petition requesting that a hearing be granted them, that the second order be vacated and set aside, that an extension of time for compliance with the first order be granted, and that certain modifications of that order be made. The Southern and the Cincinnati, New Orleans & Texas Pacific filed a joint petition, and the Mobile & Ohio a separate petition, asking substantially the same relief. Many carriers which had participated in the joint petition also filed separate petitions. We exempted three carriers from the provisions of the second order, namely, the Bessemer & Lake Erie, Gulf & Ship Island, and the New Orleans Great Northern These carriers were included in the 45 named for the first time in that order. On March 21, 1924, we reopened the proceeding for hearing with respect only to the second order, as it affected the remaining 42 roads, and denied in all other respects the petitions of the carriers. As a result of this hearing the effective date of our order of January 14, 1924, in so far as it applied to these 42 carriers, was suspended until further order and paragraph 1 under the heading "Functions" in the specifications and requirements for automatic train-stop devices prescribed by the order of June 13, 1922, was modified to read as follows:

I. Automatic train stop:

(*a*) Without manual control by the engineman, requiring the train to be stopped; after which the apparatus may be restored to normal condition manually and the train permitted to proceed; or

(*b*) Under control of the engineman, who may, if alert, forestall the application of the brakes by the automatic train-stop device and control his train in the usual manner in accordance with hand signals or under limits fixed by train order or prescribed by the operating rules of the company.

The orders in effect October 31, 1924, require 49 carriers to install these devices in accordance with the terms, as thus amended, of our first order and 47 in accordance with our second order upon a total of 96 full passenger-locomotive divisions. They further require that the carriers shall file complete detail plans of the signal systems and of the devices selected prior to the installation thereof, and provide that the installations made pursuant to these orders shall, when completed, be subject to our inspection and approval.

We have had requests to inspect short test installations of train-stop and train-control devices. We have advised all concerned that

if any carrier should undertake to make a complete permanent installation in accordance with our orders and complete a section of not less than 20 miles on a portion of the road designated in such order and equip a designated number of locomotives, we will cooperate with the carrier, if requested, in making a preliminary inspection for the purpose of making such criticisms as may be deemed necessary; reserving approval of the complete installation until our final inspection and test of the installation.

At the time our first order was issued there were three installations of automatic train-stop or train-control devices in service on locomotive divisions designated therein, as follows: Chicago, Rock Island & Pacific Railway, Chicago & Eastern Illinois Railway, and Chesapeake & Ohio Railway.

On the first two carriers named the installation has been completed on one full locomotive division as required by our order of June 13, 1922. The Chicago, Rock Island & Pacific installation has been tested and it is expected that the installation on the Chicago & Eastern Illinois will be tested this year. On the full locomotive division prescribed for the Chesapeake & Ohio the installation is about 75 per cent complete. Recently, for cause shown, two carriers, the Chicago, St. Paul, Minneapolis and Omaha and the Western Maryland were exempted from the orders of June 13, 1922, and January 14, 1924. On the remaining 44 carriers the status of the work required under our first order, as reported by them, and also with respect to certain test sections, is as follows:

Progress made by carriers on required division under order of June 13, 1922

Carrier	Division miles	Number of tracks	Miles road equipped	Engines equipped	Permanent installations	Test purposes
A., T. & S. F.	104.5	2	104.5	17	Yes	No.
A. C. L.	114.6	2	0	0		
B. & O.	36.3	2	0	0		
B. & A.	101	2	0	1	Yes	Yes.
B. & M.	105.6	2	13.8	0	Yes	Yes.
B., R. & P.	94	1-2	16	5	Yes	Yes.
C. R. R. of N. J.	65.9	1	0	2	Yes	
C. & A.	126.6	1-2	20	10	No	Yes.
C. & E.	126.6	2	0	0		
C. & N. W.	149	2	16.5	1	Yes	
C., B. & Q.	82	1-2	66.5	1	Yes	
C., I. & L.	97	1	20	4	Yes	Yes.
C., M. & St. P.	108.1	2	24.7	1	Yes	Yes.
C., N. O. & T. P.	156.5	2	35.2	3	Yes	Yes.
C., C., C. & St. L.	128.3	1-2	0	1	Yes	Yes.
D. & H.	113	1	0	0		
D., L. & W.	146	2	30	5	Yes	
Erie	104.2	2	2	1	No	Yes.
G., H. & S. A.	86.5	1-2	48	7	Yes	
G. N.	121	1	25	0	Yes	Yes.
I. C.	123	2	22	2	Yes	Yes.
K. C. S.	104	1	0	0		
L. V.	65	2-3-4	0	0		
L. I.	19.5	1-2	2.03	0	Yes	
L. & N.	16.5	1	17	5	Yes	Yes.
M. C.	74.5	2	20	1	Yes	Yes.
M. P.	146	1	21	29	Yes	Yes.
N. Y. C.	148.5	2-4-5	20	10	Yes	Yes.
N. Y., C. & St. L.	142.6	1-2	0	0		
N. Y., N. H. & H.	62	2	10	3	Yes	Yes.

Progress made by carriers on required division under order of June 13, 1922—Continued

Carrier	Division miles	Number of tracks	Miles road equipped	Engines equipped	Permanent installations	Test purposes
N. & W.	107	1	89.8	6	Yes	
N. P.	109.3	1	20	1	Yes	Yes.
O.-W. Ry. & N. Co.	84	1	17.7	2	Yes	
Pennsylvania	83.2	1-2	0	0		
P. M.	60.9	1	0	0		
P. & R.	55.5	2	27.5	8	Yes	
P. & L. E.	65.85	2-3-4	3.5	4	Yes	Yes.
P., C., C. & St. L.	187.5	1-2-3	0	0		
R., F. & P.	101.6	2	0	0		
St. L.-S. F.	43.7	1	20	23	Yes	Yes.
S. P.	75	1-2	51	43	Yes	
Southern	153	2	0	0		
U. P.	102	2	35.7	6	Yes	
W. J. & S.	58.4	2	0	0		

Tests by carriers on other than required division under order of June 13, 1922

Carrier	Miles road equipped	Engines equipped
Delaware & Hudson Co.	4	1
Erie R. R.	14	4
New York, Chicago & St. Louis	9	2
Pennsylvania R. R.	51	13
Pere Marquette Ry.	1	0

Summary by type of devices selected for installation

Continuous induction	21
Intermittent induction	2
Intermittent magnetic induction	9
Total	32
Not reported	12
Total	44

In view of the short time remaining under the first order it is probable that only a few of the carriers now making permanent installations will have their installations completed as required thereunder.

The installation of the device on the Chicago, Rock Island & Pacific Ry., between Blue Island and Rock Island, Ill., a distance of 165.4 miles of double track, was tested and we found that the device as installed met the requirements of our specifications and order subject to certain reservations, relating to requirements as to inspection, tests, and maintenance, and we recommended that to correct certain situations, and as a precautionary measure, the carrier make certain specific changes relating to the signal system upon which the train-control device was superimposed. We said that the carrier would be expected to comply promptly with these requirements and recommendations. When all of these changes have been made the installation as thus completed will be further inspected.

Preliminary inspections have been made of the intermittent magnetic induction system installed upon the Southern Pacific between Tracey and Brentwood, Calif., on the Missouri Pacific between Leeds, Mo., and Stillwell, Kans.; on the St. Louis-San Francisco between Nichols and Logan, Mo. An inspection similar to that known as a preliminary inspection has also been made of the continuous induction train-control system on a test section of the Pennsylvania between Lewistown and Sunbury, Pa.

During the year plans and specifications of 34 train-stop and train-control devices were submitted for examination and report. Of this number 24 were found to be impracticable or unworthy of further consideration in the form presented and 10 possessed sufficient merit to warrant consideration. Of the latter, 3 were of the continuous type, 2 of the intermittent induction, and 5 of the intermittent electrical contact or ramp type.

The record of accidents investigated by our forces for the year ended June 30, 1924, shows 100 collisions and derailments, in which 245 persons were killed and 1,501 injured. These accidents may be divided into four groups: (1) derailments; (2) collisions in automatic-signal territory: (3) collisions in non-automatic-signal territory; and (4) collisions in time-table and train-order territory and yards. The following table shows the number of accidents in each group, the number in each group which probably would have been prevented if an adequate system of automatic train control had been in use, and the number of persons killed and injured in such preventable accidents:

Group	Number of—			
	Accidents	Preventable accidents	Persons killed in preventable accidents	Persons injured in preventable accidents
1	46	14	19	77
2	12	9	18	122
3	10	8	18	134
4	32	19	58	447
Total	100	50	113	780

The number of preventable accidents, the number of persons killed, and the number injured in such preventable accidents represent 50, 46, and 52 per cent, respectively, of the total number of accidents investigated, persons killed, and persons injured.

The importance of continuous effort to prevent railway accidents with their great loss of life, injury to persons, and destruction of property can hardly be overstated.

INTERCHANGEABLE MILEAGE TICKET INVESTIGATION

In our last report we stated that there was pending in the Supreme Court of the United States an appeal from the decree of the District Court of the United States for the District of Massachusetts enjoining enforcement of our order requiring carriers named therein to issue a nontransferable interchangeable scrip coupon ticket in the denomination of $90 to be sold at a reduction of 20 per cent from its face value.

The Supreme Court's opinion, which was delivered on January 21, 1924, affirmed the decree of the district court upon the grounds that the statute did not direct us to require carriers to issue and sell the ticket at a reduced rate, but did place upon us the duty to require carriers to sell the ticket at just and reasonable rates, and that we were to determine what rates were just and reasonable exactly as in any other case arising under the act. The court interpreted our report and order as an indication that we were not prepared to make the order "on independent grounds apart from the deference naturally paid to the supposed wishes of Congress," and concluded that we had erroneously read "the wishes that originated the statute as an effective term of the statute that was passed."

Following announcement of the court's decision we vacated the order, enforcement of which had been enjoined. Petitions asking that further proceedings be taken were thereafter filed in behalf of organizations of traveling salesmen. Upon our own motion, a further hearing was held on September 24 to 27, 1924, and the proceeding will be brought to a conclusion as expeditiously as possible.

CONSOLIDATION OF RAILROADS

Hearings in No. 12964, *Consolidation of Railroads*, were completed on December 4, 1923. The record comprises 54 volumes of testimony and exhibits. There are 11,713 pages of testimony and 711 exhibits, many of them voluminous. During the week commencing January 7, 1924, oral argument was had. February 9, 1924, was set as the last date for filing briefs. The proceeding stands submitted as of that date. The work of preparing the complete plan is progressing.

BUREAU OF VALUATION

During the year our valuation activities have been devoted almost exclusively to steam railroads. Protests against tentative valuation reports have been heard at length, a number of final value decisions have been promulgated, and the work of establishing valuations for use under the recapture provisions of section 15a has been pushed with vigor. Progress has been made in the preparation of under-

lying engineering, land, and accounting reports, and of tentative valuations.

The diversion of part of our force to other tasks, coupled with heavy reduction in number to meet reduced appropriations, has prevented completion of underlying reports. The following table shows the status as of October 31, 1924, as to underlying reports on steam roads compared with that of the same date in 1923:

Section	Date	Number of reports	Number of corporations	Miles of road [1]	Per cent of total mileage [2]
Accounting	1923	903	1,474	223,444	90.09
Do	1924	1,034	1,707	243,605	99.70
Engineering	1923	912	1,516	223,796	90.24
Do	1924	953	1,610	235,088	96.20
Land	1923	1,051	1,522	219,426	88.47
Do	1924	1,106	1,672	233,247	95.40

[1] Miles of first track of main and branch lines; no duplication for second or other main track or sidings.
[2] The percentages for 1923 are on the basis of a total mileage of 248,000. The percentages for 1924 are on the basis of a corrected total of 244,377 miles.

The following table shows similar information with respect to tentative valuation reports served:

Date	Number of reports	Number of corporations	Miles of road [1]	Per cent of total mileage [2]
Oct. 31, 1923	327	468	54,622	22.03
Oct. 31, 1924	386	568	75,375	30.84

[1] Miles of first track of main and branch lines; no duplication for second or other main track or sidings.
[2] The percentages for 1923 are on the basis of a total mileage of 248,000. The percentages for 1924 are on the basis of a corrected total of 244,377 miles.

DANGERS IN DELAY

Based on our experience thus far we estimate that the hearings to be held on protests to tentative valuations will exceed 500 in number. We can not estimate their length. It is apparent that satisfactory completion of the work, already over 10 years in progress, is seriously menaced by delay in completing these primary valuations. Most of them are already from 6 to 10 years old. In administering the act present-day valuations are needed, but before they can be had primary valuations must have been completed to serve as bases for carrying the valuations forward. There is serious disadvantage in the lapse of so many years between the primary and the present-day valuations. With the passage of time come cumulative changes in the property by reason of additions, betterments, and retirements, thus rendering the original inventories increasingly unrepresentative of present conditions.

LENGTH OF HEARINGS

Heavy reductions in staff constitute the major cause for delay in bringing primary valuation to a close, but a contributory cause is found in the length of hearings under ordinary trial procedure. While this is in large part attributable to the nature of the proceedings, relating as they do to the values of extensive properties worth hundreds of millions and even billions of dollars, the adaptability of ordinary trial procedure to the expeditious determination of the multitudinous issues presented by protests against the tentative reports has become questionable. The individual pieces of property whose reproduction costs or present values are in issue are innumerable. The taking of testimony by examination and cross-examination of witnesses with every issue fought out on the record, point by point, is expensive in time, money, and staff. The testimony and complicated exhibits run into thousands of pages in single cases. Many of the issues present highly technical engineering, land, and accounting questions.

TESTS OF SHORTENED PROCEDURE

As a possible solution of this problem we have been giving thought to such shortening of procedure as will not be adverse to the public interest. In two test cases we have authorized a procedure which consists of conferences between our technical representatives and the technical representatives of the parties to the case with a view to clarification and simplification of the issues, elimination of immaterial matters and of controversy having its source in lack of understanding, and the reaching of agreements or the preparation of statements of fact on technical issues. Under this plan the conferences are merely adjuncts to and not substitutes for such hearings as are provided by law. The plan under test provides that conferences can only be authorized at the hearing, where those in opposition may be heard; and that, if conference is authorized, the reports of conferees are to come to the record in such form as to be competent evidence and subject to attack both on hearing and in argument. Conferees can not bind us. *Winston-Salem Southbound Ry. Co.*, 75 I. C. C. 187, 192; *Kansas City Southern Railway Co.*, id. 225–226; *Atlanta, Birmingham & Atlantic R. R. Co.*, id. 645, 661. We propose in two test cases to consider the facts presented by the conference reports and to accept, reject, or modify the recommendations made by conferees in accordance with the dictates of our judgment. The authorization of such tests does not contemplate the surrender of any part of the duty of valuation clearly imposed upon us by the act.

HEARINGS

The 43 cases in which hearings were concluded during the year covered 17,295 miles of road, or 7.1 per cent of the inventoried mileage. The policy of setting hearings of the larger carriers as soon as possible has been adopted, and hearings on protests of carriers, with an aggregate of 26,008 miles of first main track, or 10.6 per cent of the total mileage, have been instituted and are in varying stages of progress. The hearings on 20 additional protests of roads, embracing 11,962 miles of first main track, have now been assigned before examiners, and our forces are actively engaged in preparing for them. Among the cases so assigned are those of the consolidated Pittsburgh, Cincinnati, Chicago & St. Louis Railway Co. and the Vandalia Railway Co,, which together constitute the major part of the Pennsylvania lines west of Pittsburgh.

Final value decisions already promulgated number 24, and cover 4,396 miles, or 1.8 per cent of the aggregate. In addition, 139 tentative valuation reports, covering 3,646 miles, or 1.5 per cent of the total mileage, have become final through lack of protest. Final reports thus cover only 3.3 per cent of the inventoried mileage, and they are reports, not of present-day valuations, but of primary valuations made as of dates of inventory ranging from 1914 to 1921.

RECAPTURE VALUATIONS

In the administration of section 15a, added to the interstate commerce act by the transportation act of 1920, and providing for the recapture by us of one-half of the net railway operating income of every railroad system in excess of a return of 6 per cent on the value of its properties, we have availed ourselves of the data gathered under section 19a. The section-19a valuations, however, are almost entirely as of dates prior to the recapture periods, the first of which began with the last 10 months of 1920. We have also been utilizing the training and experience of our valuation forces in revising and correcting the primary valuations for application to the recapture periods.

In such revision and correction for recapture purposes the reports of carriers under our valuation order No. 3, giving additions, betterments, and retirements since primary dates of valuation, have been very helpful. The force engaged in policing and checking the carriers' records and returns under order No. 3 for use when the completion of primary valuations permits us to commence their revision for the purpose of bringing them to date, has been increased to 45 employees. This force is concentrating its attention upon carriers whose returns filed under section 15a indicate recapturable excess earnings, and is not only policing and checking their order No. 3 records and returns but is compiling results for use in recapture cases.

ST. LOUIS SOUTHWESTERN MANDAMUS CASE

The mandamus proceedings referred to in our last report as having been instituted by the St. Louis Southwestern Railway Co. to compel us to accede to its general demand for access to underlying valuation data resulted in a decision in *St. Louis Ry.* v. *Int. Com. Comm.*, 264 U. S. 64, affirming the lower court's denial of the writ. At the same time the court indicated that the carrier should be enabled to examine and meet the preliminary data upon which the conclusions in our tentative valuation reports are founded, and to that end should be given further information in advance of the hearing, sufficient to enable it to point out errors, if any there be. Our order of October 9, 1922, referred to in our last report, has accordingly been modified, permitting examination of the class of papers coming within the court's expression, and many carriers are availing themselves of the permission.

BUREAU OF FINANCE

CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

Under the provisions of paragraphs (18) to (22) of section 1 of the act, 120 applications for certificates of public convenience and necessity were filed. Of these, 42, covering 2,564.66 miles of line, were for authority to construct new lines or to extend existing lines, 52 were for authority to abandon mileage aggregating 949.82 miles of line, and 26 were for authority to operate, or to acquire and operate, 2,052.56 miles of line.

We issued 82 certificates, of which some were in respect of applications filed during the preceding year, 26 covering 1,318.35 miles of new construction, 30 authorizing abandonment of 453.838 miles of line, and 26 authorizing the operation, or acquisition and operation, of 2,019.349 miles of line. We denied 11 applications—7 covering 2,298.60 miles of new construction, 3 seeking authority to abandon 69.13 miles of line, and 1 to operate 8.38 miles. Eleven applications—4 covering the construction of 271.54 miles of line, 4 for authority to abandon 49.68 miles of line, and 3 to acquire and operate 96.14 miles of line—were withdrawn. Four applications, 3 of which sought authority to construct 143 miles of line and 1 to operate 60.57 miles, were dismissed.

We have continued the practice of enlisting the cooperation of the State commissions in these cases. In 45 cases hearings have been held for us by State commissions during the year, and in most of such cases in which a decision has been reached we have followed their recommendations.

On January 22, 1924, we issued an order prescribing a revised form of application and questionnaire in construction cases and providing for the submission of a questionnaire to other carriers

serving the territory in which it is proposed to construct the new line.

A list of certificates issued during the year will be found in Appendix G.

ACQUISITION OF CONTROL OF ONE CARRIER BY ANOTHER CARRIER

Paragraph (2) of section 5 of the act authorizes us to approve by order the acquisition by one carrier of control of one or more carriers either by lease, or by purchase of stock, or in any other manner not involving the consolidation of such carriers into a single system. Under this paragraph 34 applications have been filed, 33 authorizations have been issued, 1 application has been withdrawn, and 1 application denied.

A list of the authorizations issued during the year is contained in Appendix G.

CONSOLIDATION OF TELEPHONE COMPANIES

Under paragraph (9) of section 407 of the transportation act, 1920, we have received 20 applications and granted 23, in 21 authorizing competing telephone companies to merge their properties, and in 2 authorizing acquisition of control of one telephone company by another by purchase of capital stock.

A list of the authorizations issued during the year will be found in Appendix G.

RECOVERY OF EXCESS NET RAILWAY OPERATING INCOME, GENERAL RAILROAD CONTINGENT FUND

In our last report we stated that orders had been served upon all carriers subject to section 15a of the act, applicable to the period ended December 31, 1920, and the years ended December 31, 1921, and 1922. On March 17, 1924, we served a similar order requiring reports to cover the calendar year 1923. Reports have been filed in response to these several orders showing aggregate results with respect to excess net railway operating income of carriers subject to section 15a, as follows:

Period	Number of reports filed	Number of reports in which excess income is reported	Amount of excess income reported
Applicable period of 1920	968	30	$2,079,748.65
Calendar year 1921	949	25	430,655.70
Calendar year 1922	892	46	1,702,063.90
Calendar year 1923	745	36	6,633,433.23
Total excess			10,845,901.48

A number of the reports included in the above statement cover systems or groups of carriers claimed by respondents to be under common control and management and operated as a single system within the provisions of paragraph (6) of section 15a. Accordingly, the number of operating carriers included in these reports was 1,144 for the applicable period of 1920, 1,167 for the year 1921, 1,122 for the year 1922, and 983 for the year 1923.

We again call attention to the fact that the excess income reported by carriers is not computed upon values fixed by us, and it may be that the number finally determined to have earned excess income will differ from the number reported.

Of the carriers reporting excess income, 53 paid to us during the year the aggregate sum of $4,858,522.17, which, added to $96,675.10 paid prior to November 1, 1923, makes the total payments $4,955,-197.27. The majority of payments have been made under formal protests and reservations, and, therefore, the contingent fund, composed primarily of such payments, has not been made available for the uses contemplated by the statute.

In addition to the payments made by carriers of excess income and interest on delinquent payments pursuant to our general circular of March 28, 1924, the general railroad contingent fund has been augmented by interest received from investments. Initially, contingent fund moneys were placed in interest-bearing deposits with a national bank designated as an authorized depositary of the United States. Later, such moneys were transferred to the United States Treasury as a noninterest-bearing trust fund for investment in obligations of the United States. The present status of the fund follows:

Payments by carriers of excess income	$4, 955, 197. 27
Payments by carriers of interest on delinquent payments	18, 484. 28
Interest from bank deposits	2, 062. 30
Interest from investments in obligations of the United States	65, 485. 11
Total credits to general railroad contingent fund	5, 041, 228. 96

The following obligations of the United States are held for account of the fund:

United States Treasury certificates of indebtedness, Series TM–1925, maturing Mar. 15, 1925	$4, 630, 000
United States 4¼ per cent Second Liberty loan bonds (converted) of 1927–1942	60, 650
United States 4¼ per cent Third Liberty loan bonds of 1928	177, 600
Total face amount	4, 868, 250

On January 7, 1924, the Supreme Court of the United States handed down its opinion in the *Dayton-Goose Creek case*, 263 U. S. 456, upholding the constitutionality of section 15a. In May last we began

the institution of formal hearings in recapture cases. These have proceeded as rapidly as our limited forces would permit. Some hearings are in progress and others will be assigned as rapidly as possible.

Material difference of opinion developed concerning the status of electric railways under section 15a, and the question was accordingly made the subject of a hearing, following which a report was issued announcing general conclusions as to the application of the statute to such lines, 86 I. C. C. 751. Such further proceedings will be had as may be found necessary in dealing with individual companies.

A list of carriers that paid excess net railway operating income for the applicable period of 1920, and the calendar years 1921, 1922, and 1923, and the amounts paid, will be found in Appendix G.

ISSUANCE OF SECURITIES AND ASSUMPTION OF OBLIGATIONS

We have received 257 applications, 14 amendments thereof and 26 supplements thereto, and 7 petitions for rehearing, under section 20a of the act, and have authorized the issue of securities and the assumption of obligations and liabilities in respect of securities of others in the following aggregate amounts and for the following purposes:

Preferred stock:		
For reorganization		$31, 875, 600. 00
Assumption of obligation and liability in respect of $2,000,000.		
Common stock:		
For acquisition of property other than equipment	$28, 447, 500. 00 [1] 25, 500	
For acquisition of securities of other companies	12, 767, 000. 00	
For additions and betterments other than equipment	35, 000. 00	
For consolidation	1, 500, 000. 00	
For construction of new lines, extensions, or facilities, other than equipment	2, 781, 500. 00	
For conversion of unmatured funded debt	450, 000. 00	
For exchange for preferred stock	15, 000, 000. 00	
For exchange for unfunded debt	25, 000, 000. 00	
For general corporate purposes (not segregated)	354, 000. 00	
For payment of advances	23, 309, 000. 00	
For reimbursement of treasury for capital expenditures not capitalized	46, 566, 520. 00	
For reorganization	2, 300, 000. 00 [1] 25, 000	

[1] Shares of stock without nominal or par value.

Common stock—Continued.		
For sale to meet matured funded debt	$288,000.00	
For sale to meet unfunded debt	40,000.00	
For stock dividends	832,000.00	
Assumption of obligation and liability in respect of	21,600,900.00 [1] 140,000	
Total		$159,670,520.00 [1] 50,500
Special guaranteed betterment stock:		
For payment of advances		9,928,850.00
Total stock		201,474,970.00 [1] 50,500
Bonds, mortgage:		
For acquisition of equipment	$12,308,149.00	
For acquisition of property other than equipment	1,989,500.00	
For acquisition of securities of other companies	41,746,000.00	
For additions and betterments (nature not fully specified)	59,295,957.00	
For additions and betterments other than equipment	45,574,500.00	
For construction of new lines, extensions, or facilities other than equipment	29,594,936.36	
For conversion of unmatured funded debt	17,861,000.00	
For exchange for bonds previously authorized	4,786,000.00	
For exchange for matured funded debt	29,107,000.00	
For exchange for unfunded debt	15,000,000.00	
For extension of matured funded debt	420,000.00	
For general corporate purposes (not segregated)	72,982,500.00	
For payment of advances	54,598,096.64	
For pledge	358,497,900.00	
For refunding purposes	5,317,843.00	
For reimbursement of treasury for capital expenditures not capitalized	217,238,675.00	
For reimbursement of treasury for moneys expended in retiring, refunding, or paying existing bonds	1,215,000.00	
For reorganization	96,636,742.66	
For retention in treasury subject to further order	30,102,000.00	
For sale, proceeds to be used for capital purposes, including acquisition of equipment	8,500,000.00	
For sale to meet matured funded debt	156,826,200.00	

[1] Shares of stock without nominal or par value.

Bonds, mortgage—Continued.		
For sale to meet unfunded debt	$2, 794, 000. 00	
For sale to sinking-fund trustee	26, 000. 00	
Assumption of obligation and liability in respect of $170,311,383.		
Total		$1, 262, 417, 999. 66
Debentures:		
For exchange for matured funded debt		438, 000. 00
Notes, secured:		
For acquisition of equipment	$49, 150. 00	
For acquisition of securities of other companies	3, 471, 374. 75	
For construction of new lines, extensions, or facilities other than equipment	3, 000, 000. 00	
For conversion of unmatured funded debt	12, 400, 000. 00	
For exchange for matured funded debt	6, 250, 000. 00	
For exchange for unfunded debt	10, 000. 00	
For extension of matured funded debt	12, 000. 00	
For general corporate purposes (not segregated)	17, 153, 639. 00	
For payment of advances	14, 550, 000. 00	
For reimbursement of treasury for capital expenditures not capitalized	2, 000, 000. 00	
For reorganization	162, 500. 00	
For sale to meet matured funded debt	4, 500. 00	
For sale to meet unfunded debt	42, 711. 00	
Assumption of obligation and liability in respect of $3,000,000.		
Total		59, 105, 874. 75
Notes, unsecured:		
For acquisition of equipment	$818, 046. 55	
For exchange for matured funded debt	339, 771. 25	
For exchange for unfunded debt	100, 000. 00	
For exchange for unmatured funded debt	40, 000. 00	
For extension of matured unfunded debt	510, 000. 00	
For general corporate purposes (not segregated)	100, 000. 00	
For payment of advances	2, 723, 564. 73	
For reimbursement of treasury for capital expenditures not capitalized	200, 000. 00	
For reorganization	4, 440, 583. 00	
For sale to meet unfunded debt	1, 600, 000. 00	
Assumption of obligation and liability in respect of $4,800,000.		
Total		10, 871, 965. 53
Total notes		69, 977, 840. 28

Equipment obligations:		
Issued by carriers	$4, 931, 755. 76	
Assumed by carriers	248, 726, 838. 00	
Total		$253, 658, 593. 76
Receivers' certificates:		
For exchange for matured funded debt	$3, 570, 000. 00	
For exchange for unfunded debt	950, 000. 00	
For general purposes (not segregated)	240, 000. 00	
For payment of advances	1, 500, 000. 00	
For pledge	800, 000. 00	
Total		7, 060, 000. 00
Grand total securities		1, 795, 027, 403. 70 [1] 50, 500

Under paragraph (9) of section 20a certificates of notification of the issue of notes, maturing within two years, in the aggregate sum of $137,438,523.95 were filed.

An order was issued July 22, 1924, superseding our regulations dated May 25, 1922, modified December 23, 1922, respecting the filing of applications for authority to issue securities or assume obligations and liabilities in respect of the securities of others.

INTERLOCKING DIRECTORATES

Under the provisions of paragraph (12) of section 20a of the act it is unlawful for any person to hold the position of officer or director of more than one carrier unless such holding shall have been authorized by our order. During the period covered by this report we received 324 applications from individuals and 9 from carriers under this paragraph. These applications related to 770 different individuals. There were pending on November 1, 1923, 32 applications from individuals and 2 from carriers. Disposition was made of 359 applications, of which 342 individual applications were granted, 11 carrier applications were granted in whole or in part, and 2 individual applications were withdrawn. One individual application was denied and 3 individual applications were dismissed.

As stated in our last report, the effect of the statute can not be measured by the number of cases in which we have refused to grant authority. It may be assumed that in many instances the law has exercised a controlling influence in the selection of individuals for positions with carriers having conflicting interests. Comparatively few applications for authority to serve such carriers have been filed with us.

[1] Shares of stock without nominal or par value.

REIMBURSEMENTS OF DEFICITS DURING FEDERAL CONTROL

In our last report we stated that 352 carriers had filed claims for reimbursement under section 204 of the transportation act, 1920, claiming an aggregate amount of approximately $25,200,000. During the past year 13 additional claims have been filed, increasing the amount approximately $575,000. Final settlements with 223 carriers have been effected, in the gross amount of $9,392,663.70, and $17,546.73 has been certified as partial payments to carriers with which settlement has not been effected, making a total of $9,410,210.43 certified. Of the latter amount, $2,279,235.78 was withheld under the provisions of the urgent deficiency act of May 8, 1920, as traffic balances and other indebtedness due to the Director General of Railroads, as agent. In certifying the above amounts in settlement we have made substantial adjustments, resulting in deductions from the amounts claimed by carriers pursuant to the provisions of subdivision (f) of section 209 as required by paragraph (b) of section 204. In view of the fact that practically all claims filed cover the entire period of Federal control, whereas settlements are in most cases based on the last 20 months of that period, it is difficult to determine the exact deduction made by us on a 20-month period basis. The aggregate amount of the deductions, however, is approximately $10,000,000.

In addition to the final settlements effected, 84 claims have been dismissed and 5 withdrawn, leaving 53 awaiting final disposition.

The status of short line carriers for that portion of the period of Federal control prior to relinquishment by the Director General, to which we referred in our last report, is now in litigation.

A statement showing the carriers with which settlement has been effected, the amounts paid, and the traffic balance or other indebtedness certified in connection therewith as being due the Director General of Railroads, as agent, as well as a list of cases dismissed during the year covered by this report will be found in Appendix G.

SIX MONTHS' GUARANTY AFTER TERMINATION OF FEDERAL CONTROL

As stated in previous reports, 667 carriers filed acceptances of the guaranty provisons of section 209 of the transportation act, 1920.

As indicated in our last report, the accounting adjustments required by subdivision (f) of said section 209 have presented difficulties which have tended to delay final settlements. This is especially true with respect to a majority of the cases settled during the past year and will be true of those remaining unsettled.

Attention is called to the fact that in the final disposition of 573 cases, an aggregate amount of $346,841,163.33 was certified as being

necessary to make good the guaranty, and in which cases an aggregate amount of $433,072,532.87 was claimed, we have made adjustments resulting in a net deduction of $86,231,369.54 from the amount claimed. These adjustments were due to accounting corrections relating to the test and guaranty periods; adjustments under section 4 of the Federal control act with respect to interest on additions and betterments; maintenance ascertained as not allowable under paragraph (3) of subdivision (f), section 209; disproportionate items disallowed pursuant to paragraph (5) of that subdivision and deductions on account of unaudited items as provided in section 212; and the disallowance of special claims not recognized by our orders relating to settlement under the guaranty.

In response to our order of December 15, 1921, Finance Docket 1606, 70 I. C. C. 711, which sets forth certain elements that would not be considered in effecting settlements under the guaranty and for which claims had previously been made, the carriers accepting the provisions of section 209 filed claims aggregating approximately $657,000,000. We adhere to our previous estimate of approximately $536,000,000 as the total amount payable under the guaranty. Final settlements have been effected with 450 carriers and 123 cases have been dismissed as not entitled to benefits of the guaranty, leaving 94 cases of which final disposition has not been made. Certificates have been issued in the following aggregate amounts:

Period	Advances under section 209 (h) and (l)	Partial payments under section 209 (g) and (i) as amended by section 212	Final settlement under section 209 (g)	Total
Amount certified for payment as of Oct. 31, 1923	$263,935,874	$169,441,912.14	$67,944,888.58	$501,322,674.72
Amount certified during year ended Oct. 31, 1924	None.	None.	6,171,536.70	6,171,536.70
Grand total	263,935,874	169,441,912.14	74,116,425.28	507,494,211.42

The estimated balance payable to carriers under section 209 is therefore, $28,505,788.58.

A list of carriers with which final settlements have been effected during the year ended October 31, 1924, as well as a list of cases dismissed, will be found in Appendix G.

LOANS TO CARRIERS

Since our last report, we have certified to the Secretary of the Treasury our approval of one additional loan made upon an application filed within the statutory period; namely, to the Boston & Maine Railroad for $7,000,000. One maturing loan has been extended.

The total amount of repayments of principal during the year is $15,421,435.89. As the cost of money has declined, resulting in better terms for financing from other sources, some carriers have repaid their loans in advance of the maturities provided by us.

A revised list of loans and repayments, together with a statement of the present condition of the revolving fund, will be found in Appendix G.

BUREAU OF ACCOUNTS

The work of examining the accounts of carriers for the purpose of determining amounts payable under sections 204 and 209 of the transportation act, 1920, is nearing completion. Staff released from this work is being employed in making examinations for recapture of excess earnings recoverable under section 15a of the interstate commerce act. During the year 12 examinations were made under section 204, 74 under section 209, and 271 to determine recapturable income.

The depreciation section has continued its investigations and studies of the classes of depreciable property and the percentages of depreciation which, under the provisions of section 20 of the interstate commerce act, we are required to prescribe for all carriers subject to the act. During the year we issued a tentative report in the case of carriers by water and completed the public hearings on the matter in connection with that class of carriers and steam railroad companies. Arguments have been heard on behalf of the telephone companies and steam roads and the final report for these classes of carriers is now under consideration. Pending this final report further tentative reports with respect to other classes of carriers are being withheld, but the preliminary work with respect to the other classes has largely been completed.

A tentative revision of the accounting classification of operating expenses of steam roads has been issued and distributed to interested parties for criticism and suggestions to be considered in connection with the preparation of the classification in final form. Such criticism and suggestions from the carriers have been slow in forthcoming owing to differences of opinion among them. Progress is being made in the preliminary work in connection with the revision of accounting regulations for other classes of carriers.

In our last report we directed attention to the duty imposed upon us, under section 20 of the act, of enforcing carriers' observance of the prescribed accounting regulations, and to our inability to perform this duty effectively through policing of accounts because of an inadequate appropriation.

Conditions have become more acute during the year just closed. Prior thereto we had been able to make a limited number of general examinations, which we believe to be the most effective means of

performing this duty, but during the past year such examinations have been entirely suspended because of the rapidly increasing number of examinations under section 15a.

Recapturable income under section 15a of the act must be ascertained for each year, and each of the pertinent accounting examinations consequently covers that period of time. In our last report reference was made to the expected increase in the work necessary to the determination or verification of recapturable income. We called attention to the fact that because of an inadequate appropriation it had become necessary to limit the bureau's field activities. At the close of the year the bureau was carrying on its docket 525 recapture examinations which it had been unable to reach. From present indications, accounting examinations under section 15a will be called for at the rate of not less than 784 each year. To enforce effectively the provisions of the statute each of these should be made with reasonable promptness after the close of the period subject to examination. If we are obliged to allow these examinations to lapse, proper enforcement of the statute will be impossible.

With the staff of the bureau limited to an insufficient number, and with a reduced appropriation for the present year, we can see no hope of resuming the duties referred to, nor can we expect to complete the examinations under section 15a that should be made each year.

CERTIFICATION OF THE STANDARD RETURN

Since the approval of the Federal control act we have certified the average annual railway operating income, commonly called standard return, of 613 carriers for the three-year test period ended June 30, 1917. The individual certifications are shown in Appendix F to our reports for the last year and the current year.

The results to date are summarized as follows:

	Number of carriers	Amount of standard return
Corrected standard returns and tentative standard returns found to be correct by our review of the accounts of the carriers:		
Carriers having incomes	458	$920, 560, 009. 61
Carriers having deficits	75	2, 376, 074. 95
Certifications now in tentative form:		
Carriers having incomes	59	27, 963, 116. 30
Carriers having deficits	21	600, 446. 76
Total	613	945, 546, 604. 20

It is probable that few of the certifications listed above as "now in tentative form" will be corrected. Our duty in making such certifications is practically completed. Additional certifications will be made only in isolated instances where the Director General of

Railroads, as agent, or common carriers request that such additional certifications be made for their use in ascertaining just compensation for Federal control of certain common carriers.

BUREAU OF STATISTICS

The principal publication prepared by the bureau of statistics is the annual volume entitled "Statistics of Railways in the United States," which is of a series extending back to 1888. It is based on the sworn annual returns of the railway companies and constitutes a permanent official record of the progress of the steam railroad industry in its public aspects, presenting data concerning mileage, receiverships, equipment, employees, capitalization, traffic, operation, revenues, expenses, and financial condition of the railway companies. In recent years there have also been included selected data relating to other common carriers subject to the interstate commerce act.

By means of a monthly report of revenues and expenses the commission and the public are kept currently informed of the financial results of operation. Other monthly and quarterly reports of operating and commodity statistics show the volume and nature of the traffic carried, and the movement of trains, engines and cars, as well as the condition of equipment. From a comparison of averages based upon these returns, light is thrown upon the tendencies in the economy of operations.

Beginning with July, 1921, as a result of the labor provision in the transportation act, 1920, greatly expanded wage reports were obtained from the railway companies to meet the needs of the Railroad Labor Board as well as of the commission. These reports and the monthly statistics based thereon have been under active discussion during the past year, it being urged on behalf of the railway companies that they are too expensive to prepare, while the labor board and others have indicated that still more detail would be desirable.

Our statistics of railway accidents have been developed in cooperation with officials of the carriers and others engaged in the work of accident prevention. Brief monthly and quarterly statements are issued, but our printed annual accident bulletin gives a complete survey of railway accidents and also an extensive analysis of the causes of accidents. It further shows in detail the accident record of each reporting Class I carrier.

In addition to preparing its regular publications, this bureau makes analyses and compilations needed in connection with rate cases, or otherwise required for the information of the commission.

In Appendix C will be found statistical data drawn from the annual and other reports of carriers. Without reviewing all of the tables in detail, some of the outstanding developments may be noted as follows:

New railroad construction is not keeping pace with abandonments, although existing roads are constantly being improved by additional main tracks and yard tracks and sidings. The substitution of larger cars and locomotives for retired equipment continues. From 1908 to 1923 the average tractive power of a locomotive increased from 26,356 pounds to 38,835 pounds and the average capacity of a freight car from 34.9 tons to 43.7 tons. The calendar year 1923 marks the peak of railroad freight tonnage and ton-mileage. The number of passengers carried in 1923 although larger than in the year preceding, was smaller than in 1913, 1914, 1916, and in each subsequent year, including 1921, but this relationship does not hold true of the passenger-miles because of the increase in the length of the average journey. The growth in the length of haul per ton of freight reached its maximum in the year 1919, having been 309 miles in that year as compared with 300 miles in 1923 and 254 miles in 1908 (fiscal year.) The investment per mile of road continues to grow annually, but the rate of return from operations on the reported book value, which now exceeds 21 billions of dollars, shows wide fluctuations. That for 1923, 4.56 per cent, was the most favorable since 1917. Likewise, the net income after paying fixed charges, both in absolute amount and in ratio to capital stock, 7.06 per cent, was the largest since 1917. For the year 1923, 62 per cent of the capital stock paid dividends, the average rate on such stock being 7.29 per cent. But if the amount of dividends is spread over all the outstanding stock, the average percentage falls to 4.52. In 1923, as in 1920, operating revenues passed the 6-billion-dollar mark. While operating revenues were greater in 1923 than in 1920, operating expenses were nearly a billion dollars less than those of 1920. Maintenance of equipment expenses continue to absorb a much larger proportion of operating revenues than they did 15 years ago. This increase has received attention in our opinion in *Rates and Charges on Grain and Grain Products*, 91 I. C. C. 105, 119–122. The average number of persons employed in 1923 by Class I steam roads was 1,855,260, representing a substantial reduction from the peak in 1920, 2,022,832, but an increase over the figures for 1921 and 1922. The compensation to employees was $3,004,083,599. This sum bears about the same relation to total operating expenses as obtained ten years before, but in relation to operating revenues the pay roll is a somewhat larger percentage than for the year 1913, although a decided reduction from the peak figure of 1920. The average receipts per ton-mile in 1923 were 1.132 cents as compared with 0.729 cents in 1913, an increase of 55.3 per cent. In the same period, the passenger-mile receipts increased from 2.008 cents to 3.026 cents, an increase of 50.7 per cent.

FORMAL DOCKET

The formal complaints filed numbered 1,343, of which 1,076 were original complaints and 267 subnumbers, an increase of 183 as compared with the previous period. We decided 1,063 and 253 have been dismissed by stipulation or on complainants' request, making a total of 1,316 disposed of, as compared with 1,188 during the previous period.

We conducted 1,479 hearings and took approximately 226,234 pages of testimony, as compared with 1,883 hearings and 248,383 pages of testimony during the preceding period.

The following statement shows certain facts with respect to the condition of our docket as of October 31 of the years indicated:

	1921	1922	1923	1924
Formal complaints filed	[1] 1,487	1,264	1,160	1,343
Cases at issue but not set for hearing	201	363	236	94
Cases set for hearing but not heard	205	109	63	201
Cases heard but not fully submitted	714	607	588	535
Cases submitted	445	671	604	466
Cases disposed of	1,021	1,013	1,188	1,316

[1] This includes approximately 900 complaints filed against the Director General of Railroads, as agent, in the month of February, 1921.

INVESTIGATIONS

Reports have been submitted to the Senate in response to the following resolutions:

Senate Resolution 414, approved January 20, 1923, directing us to furnish the Senate information showing the extent to which the railroad companies serving the Northwest Pacific States failed during the crop season of 1922 to supply adequate transportation facilities; the sufficiency or insufficiency of transportation facilities provided; cause of failure of adequate transportation facilities and what, if any, remedies we suggest or propose to prevent a repetition of such failure or inadequacy as may have existed. 87 I. C. C. 472.

Senate Resolution 472, approved March 3, 1923, directing us to furnish to the Senate information relating to the administration of section 4 of the interstate commerce act. 87 I. C. C. 564.

No report has yet been submitted in response to Senate Resolution 199, approved March 28, 1924, directing us to ascertain and report to the Senate the assessed valuation, as used for taxation purposes for the year 1923, of all of the property of each of the railroads of the United States acting as common carriers. We are compiling information contained in the returns to our questionnaire of May 1, 1924, directed to the proper authority in each state.

Reports have been made and published in the following investigations, instituted on our own motion:

Specifications and requirements for power brakes and appliances for operating power brakes upon locomotives and cars. 91 I. C. C. 481.

Rates and charges of express carriers subject to the interstate commerce act. 83 I. C. C. 606; 89 I. C. C. 297.

Rates for the transportation of ordinary livestock, in carloads, from Nebraska points to Omaha and South Omaha, Nebr., Kansas City and St. Joseph, Mo.; and Sioux City, Iowa. 89 I. C. C. 444.

Divisions between carriers of rates on bituminous coal to destinations in the States of Michigan, Ohio, Indiana, Illinois and Wisconsin. 85 I. C. C. 617.

Whether the Washington Railway & Electric Co. is a carrier subject to the interstate commerce act over whose depreciation charges we have jurisdiction. 85 I. C. C. 126.

In the matter of rates on wool and mohair from Pacific coast and intermediate territory to various points. 91 I. C. C. 235.

Inquiry into legality of tariffs purporting to embrace or cover motor-truck or wagon transfer service in connection with transportation by rail or water. 91 I. C. C. 539.

Transmission of mail by pneumatic tubes in the City of New York. 85 I. C. C. 207.

In the matter of the status of The Hannibal Connecting Railroad Co. 91 I. C. C. 744.

In the matter of rates and charges on grain and grain products. 91 I. C. C. 105.

Rates, regulations, and practices of Peoria & Pekin Union Railway Co. and connections at Peoria, Ill., and nearby points. 93 I. C. C. 3.

Concerning applications for authority under section 20 of the interstate commerce act to publish rates dependent upon declared or agreed values. 93 I. C. C. 90.

Propriety of rates, charges, practices, rules, regulations, ratings, classifications, carload minima and differentials for hauls over two or more lines, and of bridge tolls or charges applicable on traffic between Memphis and points in Arkansas and contiguous territory in Missouri and Oklahoma. 89 I. C. C. 566; 92 I. C. C. 447.

Construction and repair of railway equipment. 89 I. C. C. 751; 91 I. C. C. 399.

Other investigations are pending, some of the more important of which are;

Concerning rates for interchangeable mileage or scrip coupon tickets.

Reasonableness of car distribution rules applicable to privately owned coal cars and cars for railroad fuel coal.

Reasonableness of the rules governing the distribution of cars to coal mines, other than anthracite, for coal loading, and the ratings of such mines as the basis for the distribution of cars thereto.

Interstate class rates in southern territory; between that territory and the Mississippi River crossings, Ohio River crossings, and points beyond in Illinois, Buffalo-Pittsburgh, and central territories; and between southern territory and Virginia cities and eastern points beyond in trunk line and New England territories.

Propriety of the rates on sugar, in carloads, from New Orleans and other producing points in Louisiana, Savannah, Ga.; Boston, Mass.; New York, N. Y.; Philadelphia, Pa.; Baltimore, Md.; and other producing and distributing points on the Atlantic Seaboard.

Consolidation of the railway properties in the United States into a limited number of systems.

History, financial operations, accounts, and practices of the Western Pacific Railway Co., the Denver & Rio Grande Railroad Co., the Western Pacific Railroad Co., and the Denver & Rio Grande Western Railroad Co.

Charges of common carriers subject to the interstate commerce act for wharfage, handling, storage, and other accessorial services at south Atlantic and Gulf ports.

Concerning adequacy of locomotives and cars owned by common carriers used in the transportation of freight.

In the matter of efficient, economical, and joint use of terminals of common carriers in the port of New York district and the cost to carriers of operating the terminals in performing common-carrier services.

Efficiency and economy of management of common carriers.

Switching facilities, practices, regulations, rates, and charges at Seattle, Wash.

Concerning the classes of depreciable property of telephone companies and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

In the matter of charges for passengers traveling in sleeping and parlor cars.

Lawfulness and propriety of rates, regulations, and practices in connection with the application of interstate domestic rates and export rates on cotton from points in the States of Oklahoma, Arkansas, Texas, and Louisiana, on and west of the west bank of the Mississippi River to Gulf ports.

In the matter of rates, charges, classifications, regulations, and practices governing the transportation of anthracite coal.

Concerning the classes of depreciable property of steam railroad companies and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

In the matter of divisions of freight rates in western and mountain-Pacific territories.

Concerning the classes of depreciable property of carriers by water and the related percentages of depreciation which, under section 20 of the interstate commerce act, we are required to prescribe for carriers subject to the act.

Interstate class rates within official classification territory.

Fertilizers and fertilizer materials between southern points.

INTRASTATE RATE CASES

Reports have been made and published in the following proceedings instituted by us under section 13 of the act:

In the matter of—

Intrastate rates, fares, and charges of the Union Pacific Railroad Co. and other carriers in the State of Nebraska. 92 I. C. C. 457.

Intrastate rates on sand, gravel, crushed stone, and vitrified paving blocks within the State of Ohio. 85 I. C. C. 66.

Intrastate passenger fares and charges of the Wichita Falls & Southern Railroad Co. in the State of Texas. 83 I. C. C. 603.

Intrastate fares and charges of the Alabama Great Southern Railroad Co. and other carriers in the State of Alabama. 88 I. C. C. 621.

Rates, fares, and charges applicable between points in the State of Indiana. 92 I. C. C. 487.

No reports have been made during the year in the following investigations under that section:

In the matter of—

Intrastate rates within the State of Illinois.

Intrastate rates, fares, and charges of the Morgan's Louisiana & Texas Railroad & Steamship Co. and other carriers in the State of Louisiana.

Intrastate rates of the American Railway Express Co. on milk and cream between points in the State of Indiana.

Intrastate rates on railroad crossties within the State of Illinois.

Rates for berths, drawing rooms, compartments, and seats in sleeping and parlor cars of the Pullman Co. in the State of Louisiana.

Intrastate rates of the American Railway Express Co. between points in the States of Texas, Georgia, Illinois, Montana, Utah, Idaho, Nevada, Arizona, South Dakota, Arkansas, North Dakota, and California.

Intrastate class rates in the State of Mississippi.

Surcharge for transportation of passengers in sleeping and parlor cars between points in the State of North Carolina.

Intrastate rates on bituminous coal within the State of Indiana.

Rates on fertilizers and fertilizer materials within the State of South Carolina.

Rates on fertilizers and fertilizer materials within the State of Alabama.

BUREAU OF INFORMAL CASES

The number of informal complaints received was 6,876, an increase of 471. The Director General of Railroads, as agent, and the carriers filed 7,098 special docket applications for authority to refund amounts collected under the published rates, admitted by them to have been unreasonable, an increase of 1,555. Orders authorizing refunds were entered in 5,823 cases, an increase of 1,840, and reparation thereon was awarded in amounts aggregating $1,557,848.82. In addition 431 cases were dismissed or disposed of without orders. The bureau also handled approximately 75,000 letters. Many of these had the characteristics of informal complaints, although not so classified. Others sought general information and informal rulings upon the rights and obligations of the public and common carriers under existing statutes.

BUREAU OF TRAFFIC

This bureau deals primarily with the charges for transportation and transmission, including rules and regulations affecting those charges. In it are centered most of our activities of an administrative character dealing with such matters, and in addition the bureau acts in an advisory capacity in many formal cases, especially those involving general policies or large amounts of revenue. One of its important functions is to assist in bringing about more uniform and comprehensive rate adjustments designed to facilitate the free flow of commerce on a stable and reasonable rate basis, thus eventually minimizing complaints before us.

No general freight-rate reductions throughout the country as a whole or any of the major rate groups defined by us have been made during the year, although the process of readjustment and reduction of individual rates and rate situations has continued. We thought it inadvisable to undertake any general investigation of all rates, but we have not been unmindful of the necessity for further revision of the rate structure to eliminate maladjustments between communities and commodities. In reaching this determination it was our opinion that to undertake a general investigation of all rates would not only unsettle business and commercial conditions but would also necessitate an expenditure of time and money impracticable under the appropriations at our disposal. It was our judgment that progress toward standardization of rates could better be brought about through individual cases and investigations dealing with particular rate territories or adjustments, following in each, in so far as practical considerations will permit, a general plan leading to a common end. The following brief résumé of some of the more important investigations and cases on our formal docket indicates the steps now being taken to unify the rate structure.

Our report in *Rates and Charges on Grain and Grain Products,* 91 I. C. C. 105, covers a general investigation instituted upon our own motion into the reasonableness of the rates on grain, grain products, and hay throughout the United States, together with a proceeding upon complaint by the Kansas Public Utilities Commission which was reopened by us for further hearing. After careful study of the situation disclosed by the voluminous records made, we reached the conclusion that the general basis of rates on these commodities was not unreasonable or otherwise in violation of the act.

The *Southern Class Rate Investigation,* referred to in our last report, embraces all class rates throughout southern territory and between that territory and eastern territory. It will be assigned for argument in the near future, and our final conclusions therein will probably be announced during the coming year.

As a result of our decision in *Brick and Clay Products in the South,* 88 I. C. C. 543, a general revision of rates on brick and other clay products throughout the South is required to be made effective on or before December 12, 1924. This revision will remove numerous inconsistencies and inequalities.

As stated in our last report, our decision in *Memphis-Southwestern Investigation,* 77 I. C. C. 473, required a comprehensive readjustment in the rates throughout Arkansas, Louisiana, and southern Missouri on 30 important commodities. The southwestern carriers, pursuant to our orders, have since proposed revised commodity rates on 15 additional commodities and those rates are now under investigation by us.

An investigation has recently been instituted into the class-rate structure in official classification territory, and conferences between shippers and carriers preliminary to the hearings are being held.

Other proceedings before us have led to consideration by the western trunk-line carriers of a revision of the class-rate structure in that territory and the carriers have submitted certain proposals for consideration.

In *Wool Rates Investigation, 1923,* 91 I. C. C. 235, we have required a comprehensive readjustment to be made, effective December 27, 1924, in the carload rates on wool and mohair from the Pacific coast and intermediate territory to eastern destinations and from the intermediate territory to and via the Pacific ports.

Although the readjustments above referred to are not designed to reduce the aggregate revenues of the carriers, they will result in reductions in some instances and will correct many relative rate situations in a manner to lessen future complaints.

There are now pending before us on the formal docket approximately 1,300 formal complaints in which it is alleged that particular rate situations are unreasonable or otherwise in violation of the act.

In the majority of the cases the complainants are interested primarily in the relationship of their rates to the rates enjoyed by their competitors.

During the year the carload or less-than-carload ratings on 44 commodities in official classification, 77 in southern, and 51 in western have been increased. The reductions in ratings total 103, 205, and 138 in the respective classifications. Of these reductions, 21 were made in compliance with our decisions in formal cases. Carload ratings lower than the previously existing any-quantity ratings have been established on 58 commodities in official, 102 in southern, and 59 in western classification.

RATE-SCALE STANDARDS

In working out rate readjustments, especially in cases covering numerous commodities or considerable territory, certain general standards are kept in mind by us. Heretofore many complaints of discrimination and prejudice have arisen through lack of standard class and commodity rate scales, particularly the former, and through extensive use by the carriers of commodity rates designed to meet the needs of their respective lines and the shippers located thereon, with little regard to the general adjustment in contiguous territories or the effect upon other roads or shippers. As has been indicated in previous reports, class rates are governed by three major classifications, largely territorial, and although under each there are maintained class rates which move many thousands of different articles, the number of classes and the relationship of one class to another have been far from uniform, not only in one classification as compared with another but within each of the classifications. In so far as the practical needs of commerce will permit, we are now endeavoring to bring about standard percentages of the lower classes to first class, first in each of the classifications separately and later in all three. Experience has indicated that until rates are made more uniform it is impracticable to obtain a uniform classification, and it is hoped that the process of standardizing class-rate percentages will aid in the accomplishment of that purpose.

Where it is thought desirable to use distance rates as distinguished from specific rates, efforts are being made to bring about a standard relationship of the rates for various distances compared with one another, giving due regard to varying transportation conditions. In many instances commodity rates can be eliminated by standardization of class rate schedules, and discriminations, complications, and difficulties may be lessened by relating the commodity schedules more nearly to standardized class scales. However, nothing here said should be construed as expressing the view that all rates should be upon a distance basis, or that even where rates are made

on a distance basis they should all bear the same relationship one to another for the respective distances. The needs of commerce and other practical considerations often stand in the way of uniformity. Rates manifestly should be made to encourage and build up the commerce of the country, and its free flow should not be impeded by theoretical obstructions. In prescribing rates, practical considerations are always taken into account by us, but we are convinced that far greater uniformity than now exists can be attained without undue sacrifice of practical considerations.

Experience has indicated that extended and careful investigation is necessary before important rate changes are made, and it appears that a gradual process of readjustment is much better fitted to the needs of commerce than are radical changes involving disturbance of business conditions. Hence, immediate completion of the process of standardizing even the class rates is not anticipated.

Continued success has attended our efforts to adjust rate controversies, including those involved in suspended schedules, by conferences or correspondence with carriers and shippers, and gradual progress is also being made in securing simplification of tariffs in the interest both of shippers and carriers.

SECTION OF TARIFFS

The number of tariff publications filed was 89,955, which includes freight, passenger, express and pipe line tariffs. In addition thereto 1,101 publications were received for filing but were rejected because of failure to give the notice required by statute. There were also filed 64,169 powers of attorney and certificates of concurrence. Applications received seeking special permission to file changes in rates on less than statutory notice numbered 4,784. Specific orders were entered granting 3,944 and denying 604 of these applications. The remainder were otherwise disposed of. Correspondence concerning tariff construction in accordance with our regulations promulgated under section 6 of the act, consisted of 43,419 letters received and 34,976 letters written. For our own use, as well as for the use of other branches of the Government and of shippers, 12,430 rate memoranda have been prepared. Our duplicate tariff files have been maintained for the use of the public, and that use has steadily increased.

SUSPENSIONS

Rate readjustments were protested and suspension asked in 667 instances, an increase of 28 over last year. These protested adjustments, of which 91 represented reductions and 576 increases in rates, covered not only a large number of rate schedules but many thousands of rates.

The following action was taken on requests for suspension:

Suspended	316
Refused to suspend	180
Schedules rejected, requests for suspension withdrawn, or protested schedules withdrawn	171
Total	667
Proceedings pending from previous year	93
New proceedings on suspension docket	316
Total	409

Of this number, 303 were disposed of, an increase of 30 over last year, 168 after formal hearing and report, and 135 through informal proceeding without report.

THE FOURTH SECTION

The number of applications received was 116. The number of orders entered in response to applications was 217, of which 184 were denial orders or orders granting permanent relief and 33 authorizing temporary relief.

Of the orders entered, 136 were in response to applications including among the 5,031 applications for authority to continue fourth-section departures existing at the time the amendment of June 18, 1910, became effective, 79 were in response to applications filed subsequently, and 2 were in response to both old and new applications.

Applications withdrawn after correspondence with carriers numbered 70; orders granting relief in whole or in part, 77; orders denying relief, 140; applications assigned in whole or in part for hearing in connection with other proceedings, 128; and 561 applications or portions thereof were heard in independent fourth-section proceedings.

The number of petitions for modification of orders was 92, of which 83 were granted and 9 were denied.

Substantial progress has been made in the disposition of applications filed under the 1910 amendment to the fourth section. Of the 1,240 which remained undisposed of in our file on October 31, 1923, hearings have been held on 666. Of those heard, 115 have been disposed of in their entirety and 402 in part. Fifty-seven of these applications have been disposed of as a result of correspondence with the carriers. The number still awaiting final action is 1,068. Of these, 710 are general in character, including 154 which are being considered in connection with *Southern Class Rate Investigation, supra.*

In 152 of these old applications we heard those portions which relate to class rates within trunk-line territory, that being roughly

the territory lying east of a line drawn from Buffalo, N. Y., to Pittsburgh, Pa., and Kenova, W. Va., and on and north of the Norfolk & Western Railway, or which relate to class rates between points in trunk-line territory and points in adjacent territories, and thereupon all relief prayed by these applications as to such class rates was denied by fourth-section order No. 8914, entered in *Fourth Section Departures in E. T. L. Territory*, 89 I. C. C. 470. Four applications filed subsequently to February 17, 1911, were also disposed of at the same time.

In our last report we referred to fourth-section application No. 12436, filed by the transcontinental carriers for authority to establish reduced rates on various commodities, consisting largely of iron and steel products, from points adjacent to and west of the Indiana-Illinois State line to Pacific coast terminals, without making corresponding reductions in rates to intermediate territory. Hearings have been held on this application, argument has been had, and the case is now before us for decision.

RELEASED RATES

During the past year 61 applications have been filed under section 20 of the act for authority to establish rates dependent upon the declared or agreed value of the commodity transported. Seven such applications were pending before us on October 31, 1923. Of this total 31 applications have been granted, 8 have been denied, 11 were withdrawn by the applicants after we had informally pointed out defects, and 18 are now before us for disposition.

It is our practice to dispose of twentieth-section applications without formal hearings unless a hearing is requested or appears in our judgment to be necessary. Since the amendment of the statute became effective in 1916 only one such hearing has been held. This related to two applications filed by the southeastern rail carriers for authority to establish released rates on marble, granite, and other stone in various states of finish. In denying the applications, *Released Rates on Stone in the Southeast*, 93 I. C. C. 90, we said:

> The fact that claims for loss and damage are frequent in the transportation of a given commodity is not in itself a valid reason for the establishment of released rates. If the commodity is fairly uniform in value, so that the carrier knows with a reasonable degree of certainty the liability it assumes when it accepts a shipment for transportation, it may and should establish reasonable tariff regulations relative to packing and loading, with a view to minimizing such claims, and, having done so, should then publish a single rate based on the known transportation characteristics of the commodity. Nor is the fact that an article has a wide range of value alone sufficient to warrant the establishment of released rates, because claims for loss and damage on that article may be negligible in any event. But where those conditions concur, where the susceptibility to loss or damage is comparatively high and the wide range in the value of the commodity makes the amount in any claim that may arise difficult to estimate, the carrier is at a disad-

vantage unless it is permitted to base its liability and its charges on a declaration of value obtained in advance from the shipper. In such a case a basic rate should be established conditioned upon the declaration by the shipper of a fair average value of the commoner forms of the commodity, together with one or more higher rates to apply when a greater value is declared, such higher rates to be no more than reasonably commensurate with the additional risk assumed by the carrier.

The value of the commodity transported is an element in rate making aside from the risk of loss or damage, because it serves to measure the value of the service rendered the shipper. But where rates based on declared or agreed value have been authorized by us, the statute accords shippers the right to understate the value for the purpose of securing the lower rate, and it is clear that if the excess of the unreleased over the released rates is more than the cost of insurance, shippers will ordinarily release the carrier and obtain transit insurance elsewhere. But frequently transit insurance can not be obtained. When it is not available, those shippers who are financially able to do so will assume the risk of loss themselves. The small shipper is less apt to be able to risk the loss of his less frequent shipments, and will thus in greater measure feel compelled to resort to the higher unreleased rates for adequate protection. The alternative rates which would result from the carriers' proposals will thus not work with equal justice to all.

EXPRESS

During the year we concluded our general investigation of interstate express rates and our findings are reported in *Express Rates, 1922*, 83 I. C. C. 606 and 89 I. C. C. 297. Pursuant to our orders in that proceeding a reduction, approximating 10.7 per cent in the interstate commodity rates on carload shipments of fruits, vegetables, butter and eggs, became effective June 21, 1924. In the formulation of the present zone express rates the relative levels of average first-class freight rates played a prominent part and served principally to bring about higher levels in the South and West than in the East. The above investigation developed, however, that the operating costs of express service in eastern territory, zone 1, are higher than in southern or western territory, although, as stated, express rates in the latter territories are now on a higher basis than in the East. The express companies have been ordered to recast their class-rate schedules on bases which in our judgment will avoid undue prejudice and preference as between the several express-rate zones. These changes, which are required to be made effective on or before January 1, 1925, will result in a common rate level in substantially all territory west of the Mississippi River, with first and second class rates somewhat lower than at present. First and second class rates in the South will also be reduced, although in a lesser degree than in western territory. Such rates in the territory north thereof will, with some exceptions, be slightly increased.

In our last report mention was made of our report and order in *Southeastern Express Co.* v. *American Ry. Express Co.*, 81 I. C. C. 247, and of the fact that enforcement of the order had been enjoined

by the District Court of the United States for the Northern District of Georgia. As elsewhere stated, the injunction was ordered dissolved on appeal to the Supreme Court, and the express companies have now complied with the terms of our order by establishing the joint routes and rates therein prescribed.

BUREAU OF LAW

On October 31, 1923, 25 cases involving our orders or requirements were pending in the courts. During the year 10 cases have been instituted and 12 have been concluded, so that 23 cases are now pending in the different courts. Of these, 5 are in the Supreme Court of the United States, 15 are in the district courts, and 3 are in the Supreme Court of the District of Columbia.

Of the 14 cases submitted during the year to the Supreme Court of the United States, 11 were finally disposed of. 1 was remanded to the appropriate district court for further proceedings, and 2 were assigned for reargument. One case was concluded in the United States District Court for the Western District of Pennsylvania. Summaries of all the foregoing cases are shown in Appendix B.

The cases decided by the Supreme Court were:

Edward Hines Yellow Pine Trustees et al. v. *United States, Interstate Commerce Commission, et al.*, 263 U. S. 143.

In this case the court had before it the question of the validity of our order in *American Wholesale Lumber Association* v. *Director General, as Agent, et al.*, 66 I. C. C. 393, requiring certain carriers to cancel a penalty charge of $10 per car per day after 48 hours, exacted by them in addition to the regular demurrage charge, on cars used in transporting lumber, while being held for reconsignment at intermediate points. In stating matters advanced by the complainants in support of their contention that the order was invalid, and in holding the contention to be without merit, the court said:

> Plaintiffs are large manufacturers and dealers whose shipments are made mainly direct from the mills to destination. They claim that the order canceling the penalty charge infringes their rights both as shipper and as prospective carrier. As shipper they claim to be injured because the jobbers are relieved from the handicap of the penalty charge; and also because longer detention of the cars at reconsignment points (which cancellation of the charge encourages) will subject shippers to the danger of car shortage, whenever general business again becomes active. Their claim of injury as prospective carrier is this: Plaintiffs are constructing in connection with a mill in Mississippi a local railroad which will soon be ready for operation. Cars acquired by them for use on their own railroad will naturally move to connecting lines and may then, in the absence of a deterring penalty charge, be used, like other cars, for temporary storage at reconsignment points; and the order of cancellation will encourage the use of plaintiff's cars for storage whereas their only legal use is for transportation. In this way the order entered not only prevents "the railroad from taking necessary steps to

join the bulk of the lumber industry in suppressing the evil and dishonest practices" of jobbers, but prevents the railroads from charging an adequate rental (the penalty charge) for their equipment. The contention is that the order deprives railroads of the use of their property without due process of law in violation of the fifth amendment to the Federal Constitution to the detriment of plaintiffs who are interested in maintaining both a wholesome lumber business and effective transportation.

The mere fact that plaintiffs were not parties to the proceedings in which the order was entered does not constitute a bar to this suit. For it is brought to set aside an order alleged to be in excess of the commission's power. * * * But plaintiffs could not maintain this suit merely by showing (if true) that the commission was without power to order the penalty charges canceled. They must show also that the order alleged to be void subjects them to legal injury, actual or threatened. This they have wholly failed to do. It is not alleged that the carriers wish to impose such charges and, but for the prohibition contained in the order, would do so. For aught that appears carriers are well satisfied with the order entered. Cancellation of a charge by which plaintiffs' rivals in business have been relieved of the handicap theretofore imposed may conceivably have subjected plaintiffs to such losses as are incident to more effective competition. But plaintiffs have no absolute right to require carriers to impose penalty charges. * * * Plaintiffs' right is limited to protection against unjust discrimination. For discrimination redress must be sought by proceedings before the commission. Its findings already made, and the order entered, negative such claim in this connection. The correctness of those findings can not be assailed here; among other reasons, because the evidence on which they were made is not before the court. * * *

The further claims of plaintiffs are, if possible, even more unsubstantial. They fear that, by reason of the order, they may, in the future, suffer in times of car shortage through the greater use of cars for storage. They fear that the equipment to be used in connection with the railroad which they expect to operate may be diverted, at some time in the future, from transportation uses. If their fears are realized it will be open to them to apply to the commission for relief. As the plaintiffs do not show any interest which entitles them to sue, we have no occasion to consider either the power of carriers to impose the penalty charge or the power of the commission to order its cancellation. (Id. 147–149.)

Dayton-Goose Creek Railway Company v. *United States, Interstate Commerce Commission, et al.*, 263 U. S. 456.

In this case the court had before it the question of the validity of our orders, dated January 16, 1922, and March 16, 1922, requiring carriers to make to the commission reports concerning excess earnings for certain months in 1920 and for the year 1921.

The court stated that the main question presented for determination was whether the so-called "recapture" paragraphs of section 15a of the interstate commerce act were constitutional. (Id. 474.)

The Dayton-Goose Creek Railway Co. was the only complainant in the case, but nineteen other carriers filed briefs as *amici curiae* in the Supreme Court in support of the contention that the recapture paragraphs were unconstitutional.

In stating the contentions of the carriers and in holding them to be without merit the court, after referring to its decisions in *Wisconsin*

R. R. Commission v. *C., B. & Q. R. R. Co.*, 257 U. S. 563, and in the *New England Divisions case*, 261 U. S. 184, said:

It was insisted in the two cases referred to, and it is insisted here, that the power to regulate interstate commerce is limited to the fixing of reasonable rates and the prevention of those which are discriminatory, and that when these objects are attained the power of regulation is exhausted. This is too narrow a view of the commerce clause. To regulate in the sense intended is to foster, protect, and control the commerce with appropriate regard to the welfare of those who are immediately concerned, as well as the public at large, and to promote its growth and insure its safety. * * * (Id. 478.)

* * * By the recapture clauses Congress is enabled to maintain uniform rates for all shippers and yet keep the net returns of railways, whether strong or weak, to the varying percentages which are fair respectively for them. The recapture clauses are thus the key provision of the whole plan.

Having regard to the property rights of the carriers and the interest of the shipping public, the validity of the plan depends on two propositions.

First. Rates which as a body enable all the railroads necessary to do the business of a rate territory or section to enjoy not more than a fair net operating income on the aggregate value of their properties therein economically and efficiently operated, are reasonable from the standpoint of the individual shipper in that section. He with every other shipper similarly situated in the same section is vitally interested in having a system which can do all the business offered. If there is congestion, he suffers with the rest. He may, therefore, properly be required in the rates he pays to share with all other shippers of the same section the burden of maintaining an adequate railway capacity to do their business. This conclusion makes it unnecessary to discuss the question mooted whether shippers are deprived of constitutional rights when denied reasonable rates. (Id. 480.)

Second. The carrier owning and operating a railroad, however strong financially, however economical in its facilities, or favorably situated as to traffic, is not entitled as of constitutional right to more than a fair net operating income upon the value of its properties which are being devoted to transportation. By investment in a business dedicated to the public service the owner must recognize that, as compared with investment in private business he can not expect either high or speculative dividends but that his obligation limits him to only fair or reasonable profit. If the company owned the only railroad engaged in transportation in a given section and was doing all the business, this would be clear. If it receives a fair return on its property, why should it make any difference that other and competing railroads in the same section are permitted to receive higher rates for a service which it costs them more to render and from which they receive no better net return? Classification of railways in the matter of adjustment of rates has been sustained in numerous cases. In the *Minnesota Rate cases*, 230 U. S. 352, 469, 473, it was held that the rates imposed by the State upon two railways were not confiscatory but that they were so in the case of a third railway performing service in the same territory, because the latter was put to greater expense in rendering the service. An injunction was refused to the first two railways and was granted to the third. The same principle has been upheld in analogous cases. * * *

It is argued that to cut down the operating profit of the stronger roads to a certain per cent is not cutting or reducing rates, since the net income of a carrier has no proper relation to rates and can not be used as evidence of their reasonableness. * * * They merely decide that where the reasonableness of one rate or a class of rates is in issue, the total operating profit of the railroad or public utility is of little use in reaching a conclusion. * * * (Id. 481–482.)

The reduction of the net operating return provided by the recapture clause is, as near as may be, the same thing as if rates had all been reduced proportionately before collection. It is clearly unsound to say that the net operating profit accruing from a whole-rate structure is not relevant evidence in determining whether the sum of the rates is fair. The investment is made on the faith of a profit, the profit accrues from the balance left after deducting expenses from the product of the rates, and the assumption is that the operation is economical and the expenditures are reasonably necessary. If the profit is fair, the sum of the rates is so. If the profit is excessive, the sum of the rates is so. One obvious way to make the sum of the rates reasonable so far as the carrier is concerned is to reduce its profit to what is fair.

We have been greatly pressed with the argument that the cutting down of income actually received by the carrier for its service to a so-called fair return is a plain appropriation of its property without any compensation, that the income it receives for the use of its property is as much protected by the fifth amendment as the property itself. The statute declares the carrier to be only a trustee for the excess over a fair return received by it. Though in its possession, the excess never becomes its property and it accepts custody of the product of all the rates with this understanding. It is clear, therefore, that the carrier never has such a title to the excess as to render the recapture of it by the Government a taking without due process..

It is then objected that the Government has no right to retain one-half of the excess, since, if it does not belong to the carrier, it belongs to the shippers and should be returned to them. It [If] it were valid, it is an objection which the carrier can not be heard to make. It would be soon enough to consider such a claim when made by the shipper. But it is not valid. The rates are reasonable from the standpoint of the shipper as we have shown, though their net product furnishes more than a fair return for the carrier. The excess caused by the discrepancy between the standard of reasonableness for the shipper and that for the carrier due to the necessity of maintaining uniform rates to be charged the shippers, may properly be appropriated by the Government for public uses because the appropriation takes away nothing which equitably belongs either to the shipper or to the carrier. Yet it is made up of payments for service to the public in transportation, and so it is properly to be devoted to creating a fund for helping the weaker roads more effectively to discharge their public duties. Indirectly and ultimately this should benefit the shippers by bringing the weaker roads nearer in point of economy and efficiency to the stronger roads and thus making it just and possible to reduce the uniform rates.

The third question for our consideration is whether the recapture clause, by reducing the net income from intrastate rates, invades the reserved power of the States and is in conflict with the tenth amendment. In solving the problem of maintaining the efficiency of an interstate commerce railway system which serves both the States and the Nation, Congress is dealing with a unit in which State and interstate operations are often inextricably commingled. When the adequate maintenance of interstate commerce involves and makes necessary on this account the incidental and partial control of intrastate commerce, the power of Congress to exercise such control has been clearly established. * * * The combination of uniform rates with the recapture clauses is necessary to the better development of the country's interstate transportation system as Congress has planned it. The control of the excess profit due to the level of the whole body of rates is the heart of the plan. To divide that excess and attempt to distribute one part to interstate traffic and the other to intrastate traffic would be impracticable and defeat the plan. This renders indispensable the incidental control by Congress of that part of the excess possibly due to intrastate rates which if present is indistinguishable.

It is further objected that no opportunity is given under section 15a for a judicial hearing as to whether the return fixed is a fair return. The steps prescribed in the act constitute a direct and indirect legislative fixing of rates. No special provision need be made in the act for the judicial consideration of its reasonableness on the issue of confiscation. Resort to the courts for such an inquiry exists under sections 208 and 211 of the Judicial Code. It is only where such opportunity is withheld that a provision for legislative fixing of rates violates the Federal Constitution. * * *

The act fixes the fair return for the years here involved, 1920 and 1921, at 5½ per cent, and the commission exercises its discretion to add one-half a per cent. The case of *Bluefield Water Works & Improvement Co.* v. *Public Service Commission*, 262 U. S. 679, is cited to show that a return of 6 per cent on the property of a public utility is confiscatory. But 6 per cent was not found confiscatory in *Willcox* v. *Consolidated Gas Co.*, 212 U. S. 19, 48, 50; in *Cedar Rapids Gas Light Co.* v. *Cedar Rapids*, 223 U. S. 655, 670; or in *Des Moines Gas Co.* v. *Des Moines*, 238 U. S. 153, 172. Thus the question of the minimum of a fair percentage on value is shown to vary with the circumstances. Here we are relieved from considering the line between a fair return and confiscation, because under the provisions of the act and the reports made by the appellant the return which it will receive after paying one-half the excess to the commission will be about 8 per cent on the reported value. This can hardly be called confiscatory. Moreover, the appellant did not raise the issue of confiscation in its bill and it can not properly be said to be before us.

It is also said in argument that the value of the carrier's property upon which the net income was calculated was too low and was unfair to the carrier. The value of property, it is argued, really depends on the profit to be expected from its use, and should be calculated on the income from rates prevailing when the law was passed which must be presumed to have been reasonable. The true value of the carrier's property would thus be shown to be so much higher than reported that the actual return would be not higher than 6 per cent of it and there would be no excess.

We do not think that, with the record as it is, such an argument is open to the appellant. It did allege that the values upon which the return was estimated were not the true values, but it did not allege what the true values were. This was not good pleading and did not properly tender the issue on the question of value. Under orders of the commission, the carrier itself reported the values of its properties for 1920 and 1921, upon which the excesses of income were calculated. The bill averred that a return of these particular values was required under the orders of the commission. This statement is not borne out by the orders themselves. They gave the carrier full opportunity to report any other values and to support them by evidence. This it did not do. We can not consider an issue of fact that was primarily at least committed by the act to the commission, when the carrier has not invoked the decision of that tribunal. (Id. 483–487.)

United States, Interstate Commerce Commission, et al., v. *Illinois Central Railroad Company, et al.* (No. 40.)

Wyoming Railway Company v. *United States, Interstate Commerce Commission, et al.* (No. 38.)

263 U. S. 515.

In the *Illinois Central case* the court had before it the question of the validity of our order in *Swift Lumber Company* v. *Fernwood &*

Gulf Railroad Company, Director General, as Agent, et al., 61 I. C. C. 485, requiring Illinois Central Railroad Co., Fernwood & Gulf Railroad Co., and certain other carriers to remove undue prejudice found to exist in rates for the transportation of yellow-pine lumber, timber, and lumber products, in carloads, shipped from Knoxo, Miss., to the Ohio River crossings, to destinations in Wisconsin, Minnesota, Iowa, and Missouri, to destinations in central and trunk-line territories, and to destinations in Tennessee and Kentucky; and in the *Wyoming case* the court had before it the question of the validity of our order in *Pioneer Lumber Company et al.* v. *Director General, as Agent, Chicago, Burlington & Quincy Railroad Company et al.*, 64 I. C. C. 485, requiring Wyoming Railway Co. and certain other carriers to remove undue prejudice found to exist in rates for the transportation of lumber and lumber products, in carloads, from points in Idaho, Montana, and Washington to Ucross and Buffalo, Wyo. In stating matters advanced by the complaining carriers in support of their contentions that the orders were invalid, and in holding the contentions to be without merit, the court said:

First. It is contended that order exceeds the powers of the commission. The argument is that a carrier can not be held to have participated in an unjust discrimination unless it is a party both to the rate by which a preference has been given to others and to the higher rate which is given to the complainant; that the Fernwood & Gulf did not participate in the discrimination complained of, since it did not join in the lower rates from other points by which the Swift Lumber Co. claims to be prejudiced; and hence, that it can not be required to cooperate with the Illinois Central in reducing rates from Knoxo which have been found to be inherently reasonable. That, on the other hand, the Illinois Central can not be held to have subjected the Swift Lumber Co. to undue prejudice, since Knoxo is not on its own lines and it is not in a position to remove, by its own act, the discrimination complained of. Neither proposition is sound. Proceedings to remove unjust discrimination are aimed directly only at the relation of rates. By joining with the Illinois Central in establishing the prejudicial through rate from Knoxo, the Fernwood & Gulf became as much a party to the discrimination practiced, as if it had joined also in the lower rates to other points which are alleged to be unduly preferential. * * * If such were not the law, relief on the ground of discrimination could never be had against preferential rates given by a great railway system to points on its own lines which result in undue prejudice to shippers on short lines connecting with it. Moreover, it is not true that the Illinois Central can not remove the discrimination without the cooperation of the Fernwood & Gulf. The order leaves the carriers free to remove the discrimination either by making the Knoxo rate as ow as that from Fernwood, or by raising the rate from Fernwood, or by giving both an intermediate rate. * * * The Illinois Central, acting alone, is in a position to raise the rate from Fernwood. For its main line extends from there to the Ohio river crossings, the rate-breaking point.

Second. It is contended that the order of the commission is unsustained by proof. That there is discrimination against Knoxo is not denied. The rates charged from that station are higher than those charged from competing points within the so-called blanket territory for transportation of the same commodity, to the same market, for the same or longer distances, mainly over the same

route; some of these competing points being located on the Illinois Central main line, some on its branch lines, and some on independent lines. But mere discrimination does not render a rate illegal under sec. 3. Only such rates as involve unjust discrimination are obnoxious to that section. * * * There is no claim that any one of the evidential facts found by the commission and relied upon to show that the discrimination was unjust, is without adequate supporting evidence. The argument is that these facts, even when supplemented by others appearing in the evidence, do not warrant the finding of the ultimate fact, that the higher rates from Knoxo are unduly prejudicial to the Swift Lumber Co. to the extent that they exceed the blanket basis of rates from Fernwood (the junction with the Illinois Central) and other points.

A carrier is entitled to initiate rates and, in this connection, to adopt such policy of rate-making as to it seems wise. * * * In the exercise of this right, the Illinois Central adopted the policy of establishing blanket, or group, rates on its main and branch lines, by which the remoter lumber producing points were granted, regardless of distances within the territory, the same rates to northern markets as points located nearer. In the exercise of the same right to initiate rates, the Illinois Central adopted, also, the policy of granting to connecting independent short lines, and to longer connecting carriers, an allowance (called shrinkage or absorption) by reason of which the Illinois Central's division of the through rate on traffic originating on connections is reduced, by the amount of the allowance, to less than its rate for freight originating on its own line at the junction point. The Illinois Central insists that its general policy is not to grant to points on connecting lines the blanket, or junction-point rate; and that it departs from this policy only when it is compelled by competition to do so. Where the through rate is the same from points on the connecting line as it is from the junction, the share or division of the connecting carrier consists wholly of this absorption. Where the through rate from points on the connection is higher than the junction-point rate, the connecting line receives as its share an additional amount consisting of the difference between these rates. This additional amount is called the arbitrary or differential. Thus, the Fernwood & Gulf receives a division of 4 cents per 100 pounds, consisting of a 2-cent absorption and a 2-cent arbitrary.

The Illinois Central argues that the discrimination in charging a higher rate from Knoxo can not be deemed unjust since the preferential rate to other points was granted solely for the purpose of increasing its own business, and that the lower rate from Knoxo was denied solely in order to preserve its own revenues. In other words, it granted the blanket rate to all points on its own lines in order to develop business originating thereon. It declined to grant the blanket rate (and to increase the absorption) where the connecting line was wholly dependent upon it; and traffic originating thereon could be secured in spite of the higher rate. It granted the blanket rate to points on connecting lines (and increased their absorptions) where this was deemed necessary in order to secure traffic which might otherwise go to competitors.

The effort of a carrier to obtain more business, and to retain that which it had secured, proceeds from the motive of self-interest which is recognized as legitimate; and the fact that preferential rates were given only for this purpose relieves the carrier from any charge of favoritism or malice. But preferences may inflict undue prejudice though the carrier's motives in granting them are honest. * * * Self-interest of the carrier may not override the requirement of equality in rates. It is true that the law does not attempt to equalize opportunities among localities, and that the advantage which comes to a shipper merely as a result of the position of his plant does not constitute an illegal preference * * *. To bring a difference in rates within the prohibition of sec.

3, it must be shown that the discrimination practiced is unjust when measured by the transportation standard. In other words, the difference in rates can not be held illegal, unless it is shown that it is not justified by the cost of the respective services, by their values, or by other transportation conditions. But the mere fact that the Knoxo rate is inherently reasonable, and that the rate from competing points is not shown to be unreasonably low, does not establish that the discrimination is just. Both rates may lie within the zone of reasonableness and yet result in undue prejudice. * * *

Every factor urged by the carriers as justifying the higher rate from Knoxo appears to have been considered by the commission.. How much weight shall be given to each must necessarily be left to it. The commission found, among other things, that the cost of the service from Knoxo was not greater than the cost of the transportation from many other points which enjoyed the lower rate; that the value of the service was the same; and that other traffic conditions incident to shipment from Knoxo were so similar to those of shipments from other points enjoying a lower rate that the prejudice to which the Swift Lumber Co. had been subjected was undue and unreasonable. The innocent character of the discrimination practised by the Illinois Central was not established, as a matter of law, by showing that the preferential rate was given to others for the purpose of developing traffic on the carrier's own lines or of securing competitive traffic. These were factors to be considered by the commission; but they did not preclude a finding that the discrimination practised is unjust. Such was the law even before transportation act 1920. * * * In view of the policy and provisions of that statute, the commission may properly have concluded that the carrier's desire to originate traffic on its own lines, or to take traffic from a competitor, should not be given as much weight in determining the justness of a discrimination against a locality as theretofore. For now the interests of the individual carrier must yield in many respects to the public need * * * , and the newly conferred power to grant relief against rates unreasonably low may afford protection against injurious rate policies of a competitor, which were theretofore uncontrollable. The order of the commission was not an attempt to establish its own policy of rate making. * * * It merely expressed the judgment of the commission that existing rates subjected shippers from Knoxo to undue prejudice. The judgment so exercised, being supported by ample evidence, is conclusive.

Third. The Fernwood & Gulf contends that the order is obnoxious to the due process clause. The argument is that even its present division of 4 cents per 100 pounds is unremunerative; and that a smaller return would be confiscatory. To this argument there are several answers. The order does not require a reduction of the through rate. It may be complied with by raising the rate from Fernwood and other points now being preferred. Moreover, a reduction of the through rate would not necessarily result in decreasing the amount of the short line's division. The commission may, upon application, accord to the Fernwood & Gulf the appropriate division. * * * There is no suggestion that the resulting reduction of the Illinois Central's division would result in rendering the rate confiscatory as to it.

Fourth. The Fernwood & Gulf contends also that the Swift Lumber Co. is estopped from questioning the rates applicable to it. The argument is that when it acquired the mill property from a predecessor of the short line, an agreement provided that all lumber produced should be shipped over the line; and that the 2-cent arbitrary was then known to be in effect, and was thereby assented to for all time. The contract, which is silent as to rates, is not susceptible of the construction urged. We have, therefore, no occasion to consider whether such an agreement would be valid and what its effect would be. * * *

In No. 38, where the short line alone seeks to set aside the commission's order, this additional fact requires mention. The rate to the short line points is not a joint rate, but a combination of the trunk line rate to the junction and the short line local rate. The distinction is without legal significance in this connection. A through route was established; and the transportation is performed as the result of this arrangement between the carriers, expressed or implied. Undue prejudice may be inflicted as effectively by a through rate which is a combination of locals, as by a joint through rate. The power of the commission to remove the unjust discrimination exists in both classes of cases. (Id. 520–527.)

Peoria & Pekin Union Railway Company v. *United States, Interstate Commerce Commission, et al.*, 263 U. S. 528.

In this case the court had before it the question of the validity of our Service Order No. 37, issued to prevent a threatened interruption of transportation services pending determination by us of a controversy between the carriers involved as to the compensation to be paid for the services.

In describing the issues presented to it, and in holding that in making the order we exceeded the emergency powers conferred upon us by paragraphs (15) and (16) of section 1 and paragraph (4) of section 15 of the interstate commerce act, the court said:

Transportation act, 1920, confers upon the Interstate Commerce Commission authority to issue, in certain classes of cases, orders "with or without notice, hearing, or the making or filing of a report," if it finds that an emergency exists. * * *

Purporting to act under this power, the commission ordered, without notice or hearing, that the Peoria & Pekin Union Railway Co. "continue to interchange freight traffic between the Minneapolis & St. Louis Railroad Co. and connecting carriers at the regularly established interchange points at and in the vicinity of Peoria, Ill." This order required the terminal company to switch, by its own engines and over its own tracks, freight cars tendered to it by or for the Minneapolis & St. Louis, a service which it had threatened to discontinue because the payment demanded therefor had been refused. The Peoria Co. insisted that the commission was without authority under its emergency power to require one carrier to switch cars for another; and brought this suit against the United States in the Federal court for southern Illinois to enjoin the enforcement of the order. The commission and the Minneapolis & St. Louis intervened as defendants. The case was heard upon application for a temporary injunction; the injunction was denied; and the Peoria Co. took a direct appeal to this court under the act of October 22, 1913, c. 32, 38 Stat. 208, 220.

It is conceded that the commission could, under its general powers and upon appropriate procedure, order a terminal company to perform a service of this character. But under the general powers of the commission this could be done only after full hearing, and such an order would ordinarily not take effect under the law until 30 days after service. It is also conceded that the existing conditions were such as to justify entry of the order under the emergency powers, if these include the requiring of switching. The objection urged is that the emergency power conferred is limited to orders which direct the manner in which transportation service shall be rendered or which prescribe the use to be made of railroad property; and that no such authority is granted to require performance of a transportation service. The substantive question presented is one of statutory construction—the scope of the emergency power. (Id. 530–532.)

Transportation act, 1920, evinces, in many provisions, the intention of Congress to place upon the commission the administrative duty of preventing interruptions in traffic. But there is no general grant of emergency power to that end; and the detail in which the subjects of such power have been specified precludes its extension to other subjects by implication. Moreover, switching service differs in character from those as to which such power is expressly granted. These involve either the use by one carrier of property of another or the direction of the manner and the means by which the service of transportation shall be performed. The switching order here in question compels performance of the primary duty to receive and transport cars of a connecting carrier. That courts may enforce such duties by a mandatory injunction, including a preliminary restraining order, has long been recognized. It may be that Congress refrained, for this reason, from conferring emergency power of this character upon the commission. (Id. 534–535.)

United States of America, Interstate Commerce Commission, et al., v. *The New York Central Railroad Company et al.,* 263 U. S. 603.

In this case the court had before it the question of the validity of our order in *Interchangeable Mileage Ticket Investigation,* 77 I. C. C. 200, 647, issued for the purpose of complying with the act of August 18, 1922, amending section 22 of the interstate commerce act, the pertinent portion of which reads as follows:

(2) The commission is directed to require, after notice and hearing, each carrier by rail, subject to this act, to issue at such offices as may be prescribed by the commission interchangeable mileage or scrip coupon tickets at just and reasonable rates, good for passenger carriage upon the passenger trains of all carriers by rail subject to this act. The commission may in its discretion exempt from the provisions of this amendatory act either in whole or in part any carrier where the particular circumstances shown to the commission shall justify such exemption to be made. Such tickets may be required to be issued in such denominations as the commission may prescribe. Before making any order requiring the issuance of any such tickets the commission shall make and publish such reasonable rules and regulations for their issuance and use as in its judgment the public interest demands; and especially it shall prescribe whether such tickets are transferable or nontransferable, and if the latter, what identification may be required; and especially, also to what baggage privileges the lawful holders of such tickets are entitled.

After extensive hearings we required certain carriers to issue, for an experimental period, interchangeable, nontransferable scrip coupon tickets, in accordance with rules and regulations prescribed by us, at rates of fare 20 per cent less than the standard rates of fare, which we found to be just and reasonable and in harmony with the apparent purpose of the amendatory act.

In holding the order to be invalid the court, among other things, said:

* * * The commission held that the obvious spirit and apparent purpose of the law required that the experiment should be tried, and on these premises declared that the rates resulting from the reduction of 20 per cent would be "just and reasonable for this class of travel." It seems to us plain that the commission was not prepared to make its order on independent grounds apart

from the deference naturally paid to the supposed wishes of Congress. But we think that it erred in reading the wishes that originated the statute as an effective term of the statute that was passed, and therefore that the present order can not stand. (Id. 611.)

United States of America ex rel., St. Louis Southwestern Railway Company v. *Interstate Commerce Commission et al.*, 264 U. S. 64.

In its petition in this case the carrier asked for the issuance of a writ of mandamus requiring us to permit it to examine and copy records and data in the offices of our employees in the bureau of valuation, and also requiring us to issue subpœnas duces tecum addressed to certain of the employees. In our order of October 9, 1922, made under and in accordance with the provisions of paragraph (e) of section 19a of the interstate commerce act, we had declined to grant the permission for the reason, among others, that the examination and copying referred to would interefere unduly with the work of our employees.

In affirming the judgments of the lower courts and declining to order the issuance of the writ the Supreme Court, among other things, said:

The statute provides that "Unless otherwise ordered by the commission, with the reasons therefor, the records and data of the commission shall be open to the inspection and examination of the public." The commission has ordered otherwise as we have stated and the order puts an end to the claim to examine the data on the naked ground that they are public documents. * * * While there can be no public policy or relation of confidence that should prevail against the paramount claim of the roads, the work of the commission must go on, and can not be stopped as it would be if many of the railroads concerned undertook an examination of all its papers to see what they could find out. We need not now consider whether the statute authorizes the order if it be construed to apply to cases like the present, for we can not doubt that this commission will do all in its power to help the relator to whatever it justly may demand. As yet it has made no just demand, for we accept the commission's statement that a general examination in the commission's offices would interfere too much with its work. Moreover, at the hearing there will be limits, at the discretion of the commission, to the right to delay the sittings by minute inquiries that might protract them indefinitely. * * * But subject to that discretion, we think that, in such way as may be found practicable, the relator should be enabled to examine and meet the preliminary data upon which the conclusions are founded and to that end should be given further information in advance of the hearing, sufficient to enable it to point out errors, if any there be. No present need is shown for the issue of subpœnas; and with this intimation of our views of the railroad's rights we repeat our opinion that the judgment should be affirmed. (Id. 78–79.)

Baltimore & Ohio Railroad Company et al. v. *United States of America, Interstate Commerce Commission, et al.*, 264 U. S. 258.

In this case the court had before it the question of the validity of our order in what is known as the *Chicago Junction case*, 71 I. C. C. 631, granting permission to the New York Central Railroad Co. to

purchase the stock of Chicago River & Indiana Railroad Co., and granting to the latter permission to lease the properties of the Chicago Junction Railway Co.

We filed an answer in the lower court, in which we denied an allegation, contained in the bill of complaint, to the effect that there was no evidence in the record before us to support our finding of public interest, but motions to dismiss were filed by all the other defendants. The final decree of the lower court was based on the motions to dismiss and did not include our answer. In this connection the Supreme Court, in a footnote to its decision, said:

> When the cause was heard on the original bill the hearing was upon motions to dismiss filed by the United States, the New York Central, the Chicago River & Indiana Railroad, the Chicago Junction Railways and Union Stock Yards Co., the Chicago Junction Railway and Richard Fitzgerald; and upon the answer of the Interstate Commerce Commission. The bill was then amended. Thereupon, the case was heard solely on the motions to dismiss. (Id. 262.)

In its final decree the lower court sustained the motions to dismiss the bill of complaint, and in reversing this decree and remanding the case for hearing upon the merits the Supreme Court, among other things, said:

> First. Plaintiffs contend that the order is void because there was no evidence to support the finding that the acquisition of control of the terminal railroads by the New York Central "will be in the public interest." The bill charges, in clear and definite terms, that this finding was wholly unsupported by evidence. We must take that fact as admitted for the purposes of this appeal. * * * (Id. 262.)
>
> * * * Upon application of a carrier, the commission must form a judgment whether the acquisition proposed will be in the public interest. It may form this judgment only after hearing. The provision for a hearing implies both the privilege of introducing evidence and the duty of deciding in accordance with it. To refuse to consider evidence introduced or to make an essential finding without supporting evidence is arbitrary action. As it was admitted by the motion that the order was unsupported by evidence, and since such an order is void, there is no occasion to consider the other grounds of invalidity asserted by plaintiffs. (Id. 265–266.)

United States and Interstate Commerce Commission v. *Abilene & Southern Railway Company et al.*, 265 U. S. 274.

In this case the court had before it the question of the validity of our order in what is known as the *Kansas City, Mexico & Orient Divisions case*, 73 I. C. C. 319, in which we prescribed divisions of rates as between the Orient, on the one hand, and carriers whose lines make direct connection with the Orient, on the other hand. In the proceedings before us representatives of the connecting lines filed statements containing information called for by our order, but did not otherwise submit any evidence. Also, without argument, they submitted the case for decision by us, and acquiesced in the

suggestion that the presentation of a tentative report by the examiner be omitted.

In deciding the case we made use of data included in annual reports of the carriers involved, which had not been formally introduced in evidence, although on the hearing the examiner gave notice that it would probably be necessary to refer to the reports. In holding the order to be void, the court, among other things, said:

> * * * The parts of the annual reports in question were used as evidence of facts which it was deemed necessary to prove, not as a means of verifying facts of which the commission, like a court, takes judicial notice. * * * (Id. 287.)
>
> The mere admission by an administrative tribunal of matter which under the rules of evidence applicable to judicial proceedings would be deemed incompetent does not invalidate its order. * * * But a finding without evidence is beyond the power of the commission. Papers in the commission's files are not always evidence in a case. * * * Nothing can be treated as evidence which is not introduced as such. * * * (Id. 288.)
>
> The right of the carriers to insist that the consideration of matter not in evidence invalidates the order was not lost by their submission of the case without argument and by their acquiescing in the suggestion that the presentation of a tentative report by the examiner be omitted. While the course pursued denied to the commission the benefit of that full presentation of the contentions of the parties which is often essential to the exercise of sound judgment, it can not be construed as a waiver by the carriers of their legal rights. The general notice that the Commission would rely upon the voluminous annual reports is tantamount to giving no notice whatsoever. The matter improperly treated as evidence may have been an important factor in the conclusions reached by the Commission. The order must, therefore, be held void. (Id. 289–290.)

Other defects in the record before us were stated by the court to be that the record did not include pertinent and typical joint rates or divisions of rates.

United States ex rel. Chicago, New York & Boston Refrigerator Company v. *Interstate Commerce Commission*, 265 U. S. 292.

In its petition in this case the Refrigerator Co. asked for the issuance of a writ of mandamus requiring us to ascertain and certify to the Secretary of the Treasury, in accordance with the provisions of section 209 of the transportation act, 1920, commonly called the guaranty section, the amount due to the company under that section. With some exceptions the section is made applicable by its terms to "a carrier by railroad or partly by railroad and partly by water, whose railroad or system of transportation is under Federal control at the time Federal control terminates," to "a sleeping car company whose system of transportation is under Federal control at the time Federal control terminates," and to "the American Railway Express Co." The company had made application to us under that section and we denied it upon the ground that the company was not covered by the provisions of the section, 70 I. C. C.

575, 71 I. C. C. 7. In holding our interpretation to be correct and in declining to order the issuance of the writ, the court, among other things, said:

* * * The refrigerator cars were taken over and used by the Director General of Railroads during the period of Federal control and compensation therefor paid to the Car Co. Upon the expiration of such control the cars were surrendered to the Car Co. The court below accurately summarized the testimony as showing, "that the Refrigerator Co. is not incorporated as a carrier, does not control or use the necessary facilities for performing carriage, does not hold itself out to perform carriage by publishing rates applicable thereto, and does not in fact perform carriage or receive any compensation from shippers whose shipments move in its cars. The cars are rented to railroad companies. They are subject to the control of the latter and are to all intents and purposes their property during the period of the lease. In a word, the Refrigerator Co. carries nothing." (Id. 294–295.)

* * * It is enough to say, that under the facts the Car Co. is not a carrier by railroad, or, indeed, a common carrier at all, within the ordinary acceptation of the words, and there is nothing in the terms of the Transportation Act which suggests a different view. Such inferences as are to be drawn from the provisions of the act, as pointed out by the court below, are the other way. The guaranty itself is in respect "of railway operating income." The Car Co.'s income may be "operating income" but certainly it is not "*railway* operating income." The income arises not from operating a railway but from the use of facilities let to the railway companies for fixed compensation. Stress is laid on the assertion that there is no specific language in the contracts, except in one instance, to the effect that the cars are leased. It is not necessary that there should be. In pursuance of the contracts the cars were delivered to, operated and controlled and their use as instrumentalities of transportation paid for by, the railroads. This is enough to establish a letting for hire; and there is nothing in the contracts or in any of the details of their performance which requires a different conclusion.

If the Car Co. is a carrier by railroad, it would seem to follow that sleeping car companies and express companies are likewise included within the words. Evidently, however, Congress did not think so, since section 209 of the act contains special provisions in respect of these companies, which would have been entirely unnecessary if they had been so included. The contention that the Car Co., if not a carrier by railroad, is a "system of transportation" and hence within the words of the statutory definition, may be readily disposed of. The phrase forms part of the definition: "a carrier by railroad or partly by railroad and partly by water, whose railroad or system of transportation is under Federal control," etc. It is plain that the words "whose railroad or system of transportation" etc., are not to be read independently but as qualifying the language immediately preceding; and they are to be taken distributively as though the clause had read "a carrier by railroad, whose railroad is under Federal control, or, a carrier partly by railroad and partly by water, whose system of transportation is under Federal control." (Id. 296–297.)

United States and Interstate Commerce Commission v. *American Railway Express Company et al.*, 265 U. S. 425.

In this case the court had before it the question of the validity of our order in *Southeastern Express Company* v. *American Railway Express Company*, 78 I. C. C. 126, 81 I. C. C. 247, requiring the American

Railway Express Co. and the Southeastern Express Co. to establish through routes and joint rates applicable thereto, with transfer at Washington, D. C., and to permit shippers to designate routing, in connection with transportation of express shipments between points in the North and Northeast on the one hand and points in the Southeast on the main line of the Southern Railway Co. on the other hand.

In sustaining the order as valid, the court held to be without merit the contentions of the American Railway Express Co., 1, that an express company is a "carrier by railroad" within the meaning of paragraph (4) of section 15 of the interstate commerce act, which, with certain exceptions, prohibits us from requiring the establishment of through routes that will result in short-hauling such a carrier; 2, that, as a matter of law, it is unreasonable to require the establishment of a second through route merely for the purpose of securing competition in service; and, 3, that by requiring the express companies to permit shippers to control the routing of their shipments we acted in excess of the authority conferred upon us by the act and violated the fifth amendment to the Constitution of the United States. In this connection the court, among other things, said:

> The natural meaning of the term "carrier by railroad" is one who operates a railroad, not one whose shipments are carried by a railroad. * * * (Id. 432.)
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> * * * In transportation act, 1920, the phrase "carrier by railroad" seems to have been systematically employed to designate sections of the interstate commerce act which apply only to carriers operating railroads. The term was introduced by it in paragraph 4 in place of the word "company" which had been used in the amendment of 1910. The purpose of the substitution was to make it clearer that the prohibition against compelling a carrier to short-haul its traffic was limited to railroads. The same phrase had been adopted in the Federal Employers' Liability Act of April 22, 1908, c. 149, secs. 1, 2, and 3, 35 Stat. 65, 66. As used in that act, it was held in *Wells Fargo & Co.* v. *Taylor*, 254 U. S. 175, 187, 188, not to include independent express companies doing business over railroads. In section 15 (4) of transportation act, 1920, it should be given the same meaning. Compare *United States ex rel. Chicago, New York & Boston Refrigerator Co.* v. *Interstate Commerce Commission*, ante, 292. (Id. 433–434.)
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> * * * Under the act of 1906, the commission could act only if no "reasonable or satisfactory through route exists." In *Interstate Commerce Commission* v. *Northern Pacific Ry. Co.*, 216 U. S. 538, this court set aside an order to establish a second through route because it deemed the existing one adequate. Thereupon, Congress, by the amendment of 1910, struck out the proviso and empowered the commission to establish through routes "whenever deemed by it to be necessary or desirable in the public interest." In transportation the quality of the service furnished may be as important to the shipper as the rate. The commission found, in the proceeding under review, that the service of the American, in some instances, had been inadequate, and that in "Considering competition, time is not the only important element. Competition tends to make each company improve its general treatment of the public, its practices, rules, and regula-

tions in regard to its methods of doing business." It found, also, that the "service at common points has improved since the formation of the Southeastern." Its conclusion, that the establishment of the competitive routes was necessary and desirable in the public interest, is not shown to have been unreasonable

The existence o a competitive route ordinarily implies an option in the shipper. To give him the privilege of directing the routing is a corollary of the establishment of competitive routes. Upon shippers of railroad freight this right was expressly conferred by Congress, in paragraph 8 of section 15, subject only "to such reasonable exceptions and regulations" as the commission may prescribe. The rights, in this respect, of shippers by express, were not dealt with in terms. The matter was therefore left subject to regulation by the commission under general provisions of the act. Paragraph 3, which empowers the commission to establish through routes, authorizes it also to fix "the terms and conditions under which such through routes shall be operated." Its order that the shipper by express may direct the routing is not unreasonable. As the American has no absolute right to retain traffic which it originates, and as the provision authorizing the shipper to direct the routing is reasonable, the order does not violate any of its constitutional rights. * * * (Id. 436–438.)

United States of America and Interstate Commerce Commission v. *New River Company et al.*, 265 U. S. 533.

In this case the court had before it the question of the validity of our order in *Bell & Zoller Coal Company et al.* v. *Baltimore & Ohio Southwestern Railroad Company et al.*, and in five other cases, 74 I. C. C. 433, dismissing the complaints involved and reversing a finding previously made by Division 5 of the commission in *Fairmont & Cleveland Coal Company* v. *Baltimore & Ohio Railroad Company*, 62 I. C. C. 269. Division 5 had found the carriers' Rule 4 of Circular CS–31, Revised, relating to the distribution of coal cars, to be unreasonable and unduly prejudicial to joint mines and unduly preferential of local mines to the extent that it limited the aggregate orders for cars of the joint mine to 100 per cent of the gross daily rating. A local mine is served by only one carrier and a joint mine is one served by two or more carriers.

In sustaining the order as valid and in reversing the decree of the lower court the Supreme Court, among other things, said:

The interstate commerce act confers power on the commission to regulate the distribution of cars. * * * The courts will not review determinations of the commission made within the scope of its powers or substitute their judgment for its findings and conclusions. * * *

Under rule 4, an operator of a local mine is entitled on the basis of its daily rating to its pro rata share of the available cars of the carrier serving it. An operator of a joint mine is not confined to any one carrier serving it. It may order from each carrier, but the total number of cars ordered may not exceed the gross daily rating of the mine. It may select the carrier which at the time has the better car supply and receive its pro rata share of that supply according to its gross daily rating, based on its capacity to ship by all carriers. It may choose between the carriers to secure the service, connections, and markets it desires to have. The determination of the commission in favor of rule 4 can not be said to be so arbitrary or unreasonable as to transcend the power conferred upon it in

respect to car distribution. The contention that the order of the commission deprives operators of joint mines of their property without due process of law is without merit. (Id. 541–542.)

Other decisions of the Supreme Court in which provisions of the interstate commerce act were construed are as follows:

Davis, as Agent, Etc., v. *Portland Seed Company.*

San Francisco & Portland Steamship Company v. *Parrington.*

Davis, Agent United States Railroad Administration v. *Parrington.*

Great Northern Railway Company v. *McCaull-Dinsmore Company.* 264 U. S. 403.

In stating pertinent facts and the contention of the appellees, and in holding the contention to be without merit, the court, among other things, said:

All the cases involve the same fundamental question of law. The essential charge is that the carrier demanded and received greater compensation for transporting freight for a shorter distance than its published rate for transporting like property for a longer distance over the same route and in the same direction.

It will suffice to state the salient facts and issues disclosed by record No. 114, *Davis, Agent*, v. *Portland Seed Company.* They are typical.

Pecos is in western Texas, 160 miles south of Roswell, N. Mex. A line of the Atchison, Topeka & Santa Fe Railway system joins these points and extends northward to Denver, Colo., where it connects with the Union Pacific System which leads into the Northwest. January 4, 1919, the carrier received a car of alfalfa seed at Roswell for transportation to Walla Walla, Wash., by way of Denver. Three weeks later respondent Portland Seed Co. received this car at destination and paid freight charges reckoned at $2.44 per hundred pounds, the scheduled rate from Roswell. During all of January, 1919, the initial carrier's published schedule specified $1.515 per hundred pounds as the rate for transporting alfalfa seed from Pecos to Walla Walla through Roswell and Denver; and no application had been made to the Interstate Commerce Commission for permission to charge less for the longer than for the shorter haul. The Seed Co. demanded judgment for the excess above the Pecos rate, as an overcharge illegally exacted and recoverable as money had and received.

The insistence is that under the long and short haul clause the lower published rate from Pecos became the maximum which the carrier could charge for the shipment from Roswell, notwithstanding the higher published rate therefor; that the sum charged above the Pecos rate amounted to an illegal exaction, recoverable without other proof of actual damage and without regard to the intrinsic reasonableness of either rate. (Id. 414–415.)

What liability did the carrier incur by publishing a rate from Pecos lower than the scheduled one from Roswell without the commission's permission, and thereafter imposing and collecting the higher rate upon the shipment to Walla Walla? (Id. 424.)

The statute requires rigid observance of the tariff without regard to the inherent lawfulness of the rates specified. It commanded adherence to the published rate from Roswell; section 6 forbade any other charge. Observance of the lower rate from Pecos, put in without authorization, might have been forbidden * * * but it would be going too far to hold, as respondent insists, that the unauthorized publication established the lower rate as the maximum permissible charge from the intermediate point, the only rate therefrom which could be demanded. (Id. 425.)

Railroad Commission of the State of California v. *Southern Pacific Company et al.*

Railroad Commission of the State of California v. *Atchison, Topeka & Santa Fe Railway Company.*

Railroad Commission of the State of California v. *Los Angeles & Salt Lake Railroad Company.*

264 U. S. 331.

These cases were heard together and involved the question of the validity of an order of the Railroad Commission of the State of California requiring the Southern Pacific Co., the Atchison, Topeka & Santa Fe Railway Co., and the Los Angeles & Salt Lake Railroad Co. to build a union depot in the city of Los Angeles. In holding the subject matter of the order to be within our control and beyond the jurisdiction of the California Commission, and in construing the interstate commerce act, the court, among other things, said:

* * * Our only question here is whether the power to direct a new union station with its essential incidents is committed exclusively to the Interstate Commerce Commission under the act of 1920.

In *Dayton-Goose Creek Ry. Co.* v. *United States*, 263 U. S. 456, 478, this court said of the transportation act:

"The new act seeks affirmatively to build up a system of railways prepared to handle promptly all the interstate traffic of the country. It aims to give the owners of the railways an opportunity to earn enough to maintain their properties and equipment in such a state of efficiency that they can carry well this burden. To achieve this great purpose, it puts the railroad systems of the country more completely than ever under the fostering guardianship and control of the (Interstate Commerce) Commission, which is to supervise their issue of securities, their car supply and distribution, their joint use of terminals, their construction of new lines their abandonment of old lines, and by a proper division of joint rates, and by fixing adequate rates for interstate commerce, and in case of discrimination, for intrastate commerce, to secure a fair return upon the properties of the carriers engaged." * * * (Id. 341–2.)

The term "railroad" is defined in the act, paragraph 3, section 400, to include all switches, spurs, tracks, terminals and terminal facilities of every kind used or necessary in the transportation of persons or property, including freight depots, yards and grounds used therein. Section 402, after defining the term "car service" under the act as including use, control, distribution, and exchange of locomotives, cars and other vehicles used in interstate transportation, provides for just regulation of it by the commission, and gives that body power, in case of shortage of equipment or other emergency, to suspend the regulations, to give just directions, without regard to ownership, to promote the service and to adjust proper compensation for its use, and "to require such joint or common use of terminals, including main-line track or tracks for a reasonable distance outside of such terminals," as in the opinion of the commission will meet the emergency and the public interest, and upon hearing determine just compensation for use of same. Paragraph 16 authorizes the commission to provide transportation by other carriers if one carrier is unable to handle its traffic upon terms fixed by the commission.

By section 405, amended section 3 of the interstate commerce act provides in its third paragraph that all carriers shall afford all reasonable facilities for the interchange of traffic between their respective lines and for forwarding and

delivering passengers. Paragraph 4 provides that the commission may, in the public interest and without impairment of a carrier's power to handle its own business with its terminal facilities, require the use of its terminal facilities, including its main-line track or tracks for a reasonable distance outside of its terminal, for another carrier or carriers, upon such terms as may be agreed upon by the parties, fixed by the commission or determined by suit as in condemnation proceedings.

It is obvious from the foregoing that Congress intended to place under the superintending and fostering direction of the Interstate Commerce Commission all increased facilities in the matter of distribution of cars and equipment and in joint terminals, in the exchange of interstate traffic and passengers between railways so as to make it prompt and continuous. It not only provides for the temporary expropriation of terminals and main track of one railway to the common use of one or more other railways in an emergency, but it also contemplates the compulsory sharing of one company's terminals with one or more companies as a permanent arrangement. This is a drastic limitation of a carrier's control and use of its own property in order to secure convenience and dispatch for the whole shipping and traveling public in interstate commerce. It gives to the Interstate Commerce Commission the power and duty, where the public interest requires, to make out of what is the passenger and freight station of one interstate carrier, a union station or depot.

But it is insisted that the supervisory power thus conferred does not include the installation of an interstate union station, where its terminals and main tracks are newly built, and the interstate carriers are compelled to expropriate, not the terminal property of another interstate carrier, but property of others than carriers not theretofore used for terminals. This would be giving power to the Interstate Commerce Commission to provide for a small and contracted union station of interstate carriers limited to the terminals of one carrier, and would leave the larger and more important union stations of interstate carriers to the control of state commissions. We think, however, that means of control over installations of such new union stations for interstate carriers is given to the Interstate Commerce Commission in amended paragraphs (18 to 21) of section 402. They provide that no interstate carrier shall undertake the extension of its line of railroad or the construction of a new line of railroad, or shall acquire or operate any line of railroad, or extension thereof, or shall engage in transportation over such additional or extended line of railroad, unless and until the commission shall certify that public convenience present or future requires it, and that no carrier shall abandon all or any portion of its line or the operation of it without a similar certificate of approval. Such a certificate is, we think, necessary in the construction of a new interstate union station which involves a substantial and expensive extension of the main tracks or lines of interstate carriers who theretofore have maintained separate terminals.

It is argued that paragraphs 18 to 21, of section 402, refer only to extensions of a line of railroad having the purpose to include new territory to be served by the interstate carrier and do not refer to an extension of new main track for the mere purpose of rearranging terminals within the same city. We do not think the language of paragraphs 18 to 21 can be properly so limited. We are confirmed in this by paragraph No. 22, which immediately follows:

"The authority of the commission conferred by paragraphs (18) to (21), both inclusive, shall not extend to the construction or abandonment of spur, industrial, team, switching, or side tracks, located or to be located wholly within one State, or of street, suburban, or interurban electric railways, which are not operated as a part or parts of a general steam-railroad system of transportation."

This is a palpable distinction between the main tracks of an interstate carrier, and its spur, industrial, switching, or side tracks, and shows the legislative intention to retain any substantial change in the main tracks within the control of the Interstate Commerce Commission. It may well be that a mere relocation of a main track of an interstate carrier which does not involve a real addition to, or abandonment of, main tracks and terminals, or a substantial change in destination, does not come within the paragraphs 18 to 21. One might, too, readily conceive of railroad crossings or connections of interstate carriers in which the exercise by a State commission of the power to direct the construction of merely local union stations or terminals without extensions of main tracks and substantial capital outlay should be regarded as an ordinary exercise of the police power of the State for the public convenience and would not trench upon the power and supervision of the Interstate Commerce Commission in securing proper regulation of an interchange of interstate traffic or passengers. Only a lawful order of the Interstate Commerce Commission would raise a question of the power of a State commission in such cases, as the proviso of paragraph 17, section 402, of the transportation act shows:

"That nothing in this act shall impair or affect the right of a State, in the exercise of its police power, to require just and reasonable freight and passenger service for intrastate business, except in so far as such requirement is inconsistent with any lawful order of the commission made under the provisions of this act."

But there is a great difference between such relocation of tracks or local union stations and what is proposed here. The differences are more than that of mere degree; they and their consequences are so marked as to constitute a change in kind. They come within paragraphs 18 to 21 of section 402 and require a certificate of the Interstate Commerce Commission as a condition precedent to the validity of any action by the carriers or of any order by the State commission.

The proviso of paragraph 21 of section 402 is significant of the distinction we are pointing out. It forbids the commission to authorize or order the extension of its lines "unless the commission finds, as to such extension, that it is reasonably required in the interest of public convenience and necessity, or as to such extension * * * that the expense involved therein will not impair the ability of the carrier to perform its duty to the public."

The extensions of the lines and main tracks of these railways under the plan which the State commission has ordered are not great in distance, but they involve a new intramural destination for each railway with important changes in the handling of interstate traffic and passengers. Great expense attends such changes of the main tracks in a crowded city, and they here carry with them as necessarily incident thereto, the abandonment of available sites and of valuable existing passenger and freight stations and the construction of a new union station elsewhere, imposing on the three railways a cost in making the changes of from twenty-five millions to forty-five millions of dollars. We think it clear that in such an extension of main lines with their terminals the Interstate Commerce Commission is required by the act to make a finding that the expense involved will not impair the ability of the carriers concerned to perform their duty to the public.

The purpose of Congress to prevent interstate carriers from incurring expense which will lessen their ability to perform well their interstate functions is further shown in section 439 of the transportation act, whereby the interstate commerce act is amended by insertion of section 20a. This new section subjects to the approval or rejection of the Interstate Commerce Commission the issue by an interstate carrier of all future shares of stock, bonds, or other evidence of indebtedness and forbids approval unless the commission shall find that their

issue is for a lawful purpose, is compatible with the public interest, is appropriate and necessary to the discharge of its public duty as a common carrier, and will not impair its ability to perform that service. This is of course *in pari materia* with the restriction of paragraph 21 of section 402 to prevent a possible impairment of the financial ability of interstate carriers to discharge their interstate commerce duties. Such a heavy burden as that involved in this new union station and the main-track changes and extensions and other accessories would in all probability require the three railways to issue new capital securities, and this could not be done without the approval of the Interstate Commerce Commission. To be sure this provision only becomes operative when securities have to be issued and would not, of itself, prevent action by a State commission until such securities are seen to be necessary; but the provision indicates the general congressional plan.

We were advised by statements at the bar that, after the California Supreme Court handed down its decision in this case, the city of Los Angeles filed a petition with the Interstate Commerce Commission asking for an order to provide, maintain, and use a union station; that a hearing followed and that, pending the decision in this court, the matter is held under consideration.

For the reasons given, we think the course taken by the city of Los Angeles was the correct one. Until the Interstate Commerce Commission shall have acted under paragraphs 18 to 21 of section 402 of the transportation act, the respondent railways can not be required to provide a new interstate union station and to extend their main tracks thereto as ordered by the State railroad commission. (Id. 342–348.)

BUREAU OF INQUIRY

For violations of the interstate commerce act and related acts 45 indictments were returned and 24 informations were filed. Eighty-two cases were concluded. Seven indictments were dismissed upon motion of the Government. Demurrers to two indictments, which allege violations of the Elkins Act, were sustained under an interpretation of that statute by the District Court for the Eastern District of Michigan, but each of those cases has been taken before the Supreme Court on writ of error at the instance of the Government. Verdicts of not guilty were rendered in three cases. For disobedience of our orders and for failure of carriers to file annual reports within the period prescribed by us under the provisions of section 20 of the act, 12 penalty suits were instituted. Prosecutions instituted and concluded were distributed over the following States: Arkansas, California, Connecticut, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Tennessee, Texas, Vermont, Virginia, West Virginia, and Wyoming.

The indictments returned and informations filed charged the falsifying of records of common carriers, unlawful use of interstate passes, granting of concessions and discriminations by carriers, accepting and receiving of concessions and discriminations by ship-

pers, false billing of interstate shipments, filing of false claims by shippers with carriers, charging and receiving by carriers of greater compensation for transporting property for a shorter than for a longer distance, and frauds in connection with the issuance and use of bills of lading. Summaries of the indictments returned, informations filed, penalty suits instituted and cases concluded during the year will be found in Appendix A.

BUREAU OF SERVICE

SERVICE ORDERS

During the year we have found it necessary to exercise our emergency powers in but one instance. Service Order No. 40, entered March 27, 1924, and still in effect, directs the Kansas City Terminal Railway Co. to permit the use by the Missouri-Kansas-Texas Railroad Co. of the Union Passenger Station and other terminal facilities at Kansas City, Mo., including the main line track or tracks for a reasonable distance outside such terminals, within certain specified zones, and upon the terms and provisions of an operating agreement made June 12, 1909, supplemented January 24, 1910, until such time as the final measure of compensation shall be agreed upon by the interested carriers or fixed by us.

The controversy between the carriers which resulted in the issuance of the service order was brought to our attention by formal complaint under docket No. 15682. The service order is intended to maintain the status quo pending final determination of the controversy.

Service Order No. 37, referred to in our last report, was vacated on July 12, 1924.

COOPERATION

The policy under which we have sought to bring about the greatest possible measure of cooperation between shippers and carriers has been continued.

In our last report we referred to a development under way of the organization of regional advisory boards by the car-service division of the American Railway Association. Ten of such boards have been organized and are now functioning. They are located in various sections of the country and hold regular meetings. The carriers have committees which meet with the representatives of the board to adjust difficulties and misunderstandings arising in the particular territory in which the board functions. The boards were organized:

(1) To form a common meeting ground between shippers, local railroads, and the carriers as a whole, as represented by the car-service division, for the better mutual understanding of local and general transportation requirements, and to analyze transportation needs in each territory, and to assist in anticipating car requirements.

(2) To study production, markets, distribution, and trade channels of the commodities local to each district with a view to effecting improvements in trade practices when related to transportation, and promoting a more even distribution of commodities where practicable.

(3) To promote car and operating efficiency in connection with maximum loading and in the proper handling of cars by shippers and railroads.

(4) To secure a proper understanding by the railroads of the transportation needs of shippers, that their regulations may fit shippers' requirements, and to secure understanding by the shippers and their cooperation in carrying out necessary rules governing car handling and car distribution.

Much good has been accomplished and better transportation service secured through these cooperative efforts. Our service agents work in close cooperation with these boards, and attend the meetings whenever practicable to do so.

TOTAL REVENUE FREIGHT LOADED

During the week ended October 25, 1924, there were loaded, 1,112,345 cars of revenue freight, thereby setting the highest mark in the history of the railroads. This was accomplished without car shortage, congestion or other transportation disability. On October 22, more than 100,000 surplus freight cars were reported and, on October 1, 5,425 serviceable locomotives were stored to provide against possible adverse weather conditions during the coming winter.

For the 12 months ended October 31, 1924, the loading of revenue freight aggregated 48,654,885 cars, as compared with 49,641,155 41,868,771, and 40,310,790 cars loaded during the 12 months periods ended on October 31, 1923, 1922, and 1921, respectively.

PERISHABLE FREIGHT

The perishable freight movement continues to increase in volume. The movement for the year ended October 31, 1924, is estimated as 926,000 cars, compared with 890,060 cars for the same period in 1923, 817,439 in 1922, and 735,700 in 1921. This immense volume has been cared for by the carriers in a most successful manner, reports of inability to supply refrigerator cars on orders being negligible. Cars suitable for such shipments were stored in or moved into the originating territories in advance of the requirements of shippers. The carriers by prompt movement of both loaded and empty cars, with the cooperation of the trade in unloading and releasing them promptly have been able to move this traffic with great satisfaction to shippers. There are still many receivers who are prone to use refrigerator cars as storage warehouses, thus delaying the return of those cars to originating territory. Anticipating the heavy demands for refrigerator car equipment over the entire country during August, September, and October, we issued a notice July 16 calling attention

to the necessity for prompt unloading and release of cars by consignees and prompt handling by carriers. We pointed out the importance, in the interest of adequate service to all, of observing certain specified general principles, which, if followed by shippers and receivers of freight and carriers, would greatly facilitate service by refrigerator cars.

At the instance of the regional advisory boards committees of representatives of the shippers were organized at the various trade and consuming centers to cooperate in observing the above principles. By this method of cooperation it was hoped that the necessity for embargoes against perishable products would be minimized.

The difficulties experienced in previous years in the handling of perishable freight, especially grapes, at New York led this year to arrangements similar to those of 1923, as outlined in our last report. Blanket authority was again given by the shippers to the refrigerator-car department of the car service division located at Chicago, to divert at Chicago to other lines shipments of grapes routed over the Erie, as necessary, in order to keep them coming as rapidly as the market would absorb them. It was also agreed between the trade and carriers that all grapes should be handled on the New Jersey side of the Hudson River, and embargoes against handling these grapes on Manhattan Island were accordingly placed by all interested carriers. The agreement to divert applied only at Chicago, but by reason of the practices of the trade in attempting to divert at intermediate points between Chicago and New York, it became necessary for the carriers to place additional embargoes, which prevented the reconsignment or diversion to New York City from these points.

The apple crop in the Northwest shows a considerable decrease compared with last year and was moved without difficulty.

COAL

The bituminous coal production for the year ended October 31, 1924, totals 468,045,000 tons compared with 557,641,000 tons for the same period in 1923; 395,735,000 tons for 1922, the year of the extensive coal strike; 453,300,000 tons for 1921, the year of depressed business conditions; and 519,075,000 tons for 1920. The anthracite production for the same period totals 91,508,000 tons for 1924 as against 97,436,000 for 1923.

On July 18 we issued a notice calling attention to the bituminous coal situation. We pointed out that the average production for the preceding seven years, exclusive of the strike year 1922, had been approximately 520,000,000 tons and that the average production in the last six months of these years was 6.8 per cent greater than the average production for the first six months. Applying the same percentage of increase to the production for the first six months of this

year, the total production would be 243,118,000 tons. It was evident that if bituminous coal shipments were deferred for any considerable length of time the railroads would be called upon to handle an enormous coal traffic in addition to a peak load of other freight traffic, and their facilities would be taxed to the utmost. When such notice was issued, production approximated 7,500,000 tons per week. Subsequently the weekly output increased, and continued to increase steadily up to the week ended October 11, during which 10,553,000 tons were produced.

The bituminous lake coal movement for the calendar year 1924 to October 31 plus the stocks at the head of the Lakes April 1 totaled 22,789,614 net tons. This is a decrease of 4,069,007 tons compared with last year. It is also a decrease compared with 1919, but an increase over 1920, 1921 and 1922. This movement is seasonal and must be cared for during the period of open navigation. In our press notice previously referred to we commented on this situation, giving the stocks on hand at the head of the Lakes and the movement up to that time. We suggested that the people in the northwest territory purchase their coal early in order to avoid a curtailment in the transportation necessary for the heavy movement of agricultural products. Stocks on hand at the head of the Lakes as of April 1 with the tonnage dumped to October 31 for 1924 and previous years are shown below:

Year	Bituminous stocks at the head of the Lakes Apr. 1	Net tons dumped into boats to Oct. 31	Stocks Apr. 1 plus tons dumped to Oct. 31	Per cent of 1924
1919	2,439,749	20,756,836	23,196,585	101.79
1920	644,968	19,090,827	19,735,795	86.60
1921	1,765,784	20,870,869	22,636,653	99.33
1922	3,334,228	14,157,929	17,492,157	76.75
1923	878,856	25,979,765	26,858,621	117.85
1924	3,180,331	19,609,283	22,789,614	100.00

The other important seasonal coal movement is that to New England. During the year ended October 31, 1924, 137,155 cars of bituminous and 162,794 cars of anthracite coal moved all-rail through New England gateways compared with 195,422 cars of bituminous and 178,513 cars of anthracite during the corresponding period of 1923, and 111,628 cars of bituminous and 94,959 cars of anthracite during the corresponding period of 1922, the year of the miners' strike.

In addition, 9,974,947 gross tons (2,240 pounds) of bituminous coal were dumped at North Atlantic ports for transshipment by water to New England during the 12 months ended October 31 this year. This amount is 1,854,725 tons less than for the same period in 1923 and 214,331 tons greater than for such period in 1922.

GRAIN AND GRAIN PRODUCTS

The rail movement of grain and grain products so far this year has been handled promptly and without serious inconveniences. The second largest wheat crop ever produced in the State of Kansas and the large crops of the surrounding States in that territory have been moved without complaint as to car supply or movement. The Northwestern States have a large crop, and the initial movement has been of greater volume than ever before in history, yet with no difficulty from a car service standpoint. At the start of the movement in the northwest territory the granger roads had on line box cars exceeding in number 100 per cent of their ownership.

The total loading for the week ended October 25 reached 72,474 cars and established a new high mark. This was accompanied by a high market price of grain and consequent desire of the farmers to dispose of their product as promptly as possible during such favorable market conditions. The movement to the elevators at Duluth and Superior has been in excess of the unloading capacity, and the grain trade of that territory voluntarily asked the carriers to place embargoes restricting further movement to these points until such time as the accumulation and congestion had been cleared up. Embargoes were placed October 1 and lifted October 10, and again placed October 25, 26, and 27 and lifted November 1.

Our last report referred to the general rules, and to a new set of rules adopted by the carriers of the northwest, for the distribution of cars when elevators were blocked. How these rules will work out is not known because since their adoption conditions have been so favorable with regard to car supply that they have not had a fair trial.

LIVESTOCK

The livestock movement exceeds that of either of the two preceding years. During the year ended October 31, 1924, the carriers handled 1,762,997 cars compared with 1,754,098 for 1923 and 1,577,696 for 1922. The demand for livestock equipment has at no time been in excess of the carriers' ability to furnish the cars promptly.

FOREST PRODUCTS

In our last report we referred to the unprecedented shipments of lumber and other forest products stimulated by the heavy building program throughout the country. This movement has continued, with the result that the carriers have been called upon to move almost as heavy a tonnage as they did last year. During the year ended October 31, 1924, the carriers moved 3,668,380 cars of this traffic as compared with 3,685,621 for the preceding year.

FREIGHT ACCUMULATIONS

No serious accumulation of cars under load on the rails of the carriers occurred during the year ended October 31, 1924. The total number of cars held for those reasons which are usually considered as causing accumulations ranged this year from 6,243 on June 13, 1924, to 18,756 on November 9, 1923. This former figure is considered as below normal.

EMBARGOES

The embargoes in effect at present and those which had been in effect during this year are of a specific nature, i. e., applying against individual consignees or some particular class of traffic. Embargoes of this class are in effect but a short time as a general rule. The carriers have not found it necessary to place embargoes of a general nature such as were placed in 1922. At the present time all carriers serving New York City handling California grapes have in effect embargoes restricting the handling of certain classes of these grapes known as juice grapes to the New Jersey side of the river. These embargoes are referred to eleswhere in this report.

EXPRESS

A normal situation with regard to the movement of express business has continued throughout the past year. Very few complaints were filed. Several of these alleged discriminations in the distribution of express refrigerators as between Tennessee and Louisiana, while another dealt with the distribuiton of such cars in Texas. The others dealt with the handling of express matter while in transit and the stopping of certain trains at specified points for the handling of express traffic.

REGULATIONS FOR THE TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

Since the period covered by our last annual report regulations for the safe transportation of explosives and other dangerous articles by land were amended by 4 orders making 136 changes in the requirements. Petitions for amendment of 19 other paragraphs were received. Of these, 10 failed of approval and 9 remain for further consideration.

New and standardized types of shipping containers, including those for poisonous war materials now used in various industries, and new types of tank cars to be used for the transportation of liquefied and nonliquefied gases, were among the subjects of special study and of restrictive orders approved by us. Inquiries answered required 289 interpretations of the regulations.

Fifteen alleged violations of the regulations were reported to us by shippers and carriers for assistance in securing prosecutions. Ten of these merited further investigation and directions were given as to procedure and the collection of information necessary as the basis for possible indictments.

Accidents growing out of the carriage of dangerous articles in 1923 compared to 1922 show:

Calendar year	Number of accidents	Killed	Injured	Property loss
1923	1,371	16	86	$833,494
1922	1,478	4	76	1,070,013

In 1923 inflammable liquids, principally gasoline transported in tank cars, caused half of the deaths and more than half of the property loss. Investigation of an accident due to premature opening of a tank car containing gasoline showed that the dome cover was removed while the car was under vapor tension, and that the liquid which was billed as 6-pound gasoline, had pressure of about 20 pounds per square inch. Two deaths, three personal injuries, and the large property loss which resulted from these irregularities emphasized the need already apparent for a safer type of dome cover and a reliable means for measuring vapor pressures.

Examinations and tests are being made of several automatic safety-lock and safety-stop dome covers, which may not be removed from cars while interior pressure continues. Also, information looking to the classification of inflammable liquids by the use of a standardized measure for vapor pressures is being sought by a commission representing the railroads, the shippers of inflammable liquids, and the Bureau of Mines. This body will later present to us the results of its study accompanied by recommendation for the adoption of appropriate amendments to the explosives regulations.

Leakage from dome-cover openings and safety valves of tank cars was ordered to be restricted to small vapor leakage from safety valves only, and investigations are proceeding for the attainment of satisfactory tightness at dome covers and safety valves by new or improved designs for these parts. The bottom discharge outlet of these cars has been improved, but investigations point to the necessity of forbidding the use of cars with this vent for highly volatile products.

Other matters under investigation include a proposal for including in the regulations the rule of the rate classification limiting shipments of certain inflammable liquids to destinations where the liquids may be transferred from tank cars through pipe lines leading directly into permanent storage tanks. Express and baggage

traffic shows general improvement under the new regulations. Regulations for Canadian freight traffic now practically duplicate ours, and differences existing between their express and baggage regulations and ours are being adjusted.

Tariff descriptions used for the billing of dangerous articles are being brought into line with the explosives regulations where errors are found. In five cases in which misbilling of articles might result in loss of life or property, our authority to permit amendment of the tariffs on less than the usual 30 days' notice was exercised.

We stated in our last annual report that sufficient data had been assembled to warrant early publication of tentative requirements for water transportation. Suggestions resulting from more than a hundred inspections of water craft of many types, and from conferences following distribution of the tentative requirements, are having consideration, and an early date will be set for public hearing with a view to entering appropriate orders.

BUREAU OF SAFETY

A more detailed report of the work of the Bureau of Safety is published as a separate document. Except as otherwise specified the report here made is for the year ended June 30, 1924.

The casualties on steam railroads in connection with the operation of trains during the calendar year 1923 are summarized as follows:

Class of persons	Number of persons	
	Killed	Injured
Trespassers	2,779	3,047
Employees	1,645	39,734
Passengers	138	5,847
Persons carried under contract, such as mail clerks, Pullman conductors, etc	21	674
Other nontrespassers	2,339	7,162
Total	6,922	56,464

In addition, there were 412 persons killed and 115,248 injured in nontrain accidents in comparison with 474 killed and 86,882 injured in such accidents during the previous calendar year.

There were 103 employees killed and 1,954 injured in coupling or uncoupling locomotives or cars as compared with 81 killed and 1,498 injured during 1922. Casualties to employees due to coming in contact with fixed structures resulted in 47 killed and 861 injured. There were 105 employees killed and 8,167 injured in getting on or off cars or locomotives.

During the year ended June 30, 1924, 271 cases of violation of safety-appliance laws, comprising 866 counts, were transmitted to United States attorneys for prosecution; cases comprising 1,141 counts were confessed and 293 were dismissed, 90 counts were tried.

resulting in judgment for the Government on 76 counts and adversely to the Government on 13. One count awaits decision. Two cases comprising 4 counts were appealed by the carrier and affirmed by circuit courts of appeals. In one case containing 18 counts, pending on appeal last year, 16 counts were decided in favor of the defendant and two in favor of the Government. Two other cases containing 2 counts pending on appeal last year were decided in favor of the Government. In a case containing two counts, pending before the Supreme Court on certificate from the Circuit Court of Appeals for the Third Circuit, both counts were decided in favor of the Government. On July 1, 1924, there were pending in the various district courts 361 cases, involving 1,094 counts.

In *New York Central Railroad* v. *United States*, 265 U. S. 41, defendant operated two trains in which all cars were equipped with power brakes. On three cars located in three separate places in each train the power brakes became inoperative en route and were cut out. The cars were left in the trains and hauled past a repair point. Defendant contended that so long as at least 85 per cent of the cars in the train had power brakes in condition to be used and operated the law was not violated, and that when the power brakes on a car became inoperative it ceased to be a power-braked car. The Government contended that all power-braked cars which are associated together in a train with the required percentage of other power-braked cars must have their power brakes used and operated, as required by section 2 of the act of March 2, 1903. The court held that the cars on which the power brakes were cut out were associated together with other cars so equipped, and the act specifically requires that all power-braked cars so associated shall have their brakes used and operated; that cars on which the power brakes have been cut out can lawfully be hauled only when placed in the train to the rear of all cars having their power brakes operated by the engineer; and that the failure of the power brakes on a particular car to operate did not take the car out of the power-brake class.

In *United States* v. *Northern Pac. Ry. Co.*, 293 Fed. 657, defendant denied the alleged movement of defective equipment, and by way of affirmative defense set up the conditions prevailing during the so-called shopmen's strike to show that an emergency existed which made it impossible for defendant to inspect and repair its equipment. Over the Government's objection defendant was allowed to introduce evidence in support of its affirmative defense. The district court instructed the jury to find for defendant on one count covering a car with defective safety appliances received in interchange, and upon the remaining 17 counts the jury returned a verdict for defendant. The circuit court of appeals reversed the district court as to two counts, one of them being the count upon which a verdict had been

directed, and affirmed the decision as to 16 counts, holding that the jury might have found that the 16 cars were not defective. In the other count upon which the district court was reversed the defendant failed to introduce any evidence to show that the car was not defective as alleged. The court also held that the affirmative matter contained in defendant's answer stated no defense and evidence introduced thereunder was equally irrelevant, although not prejudicial; that to enable defendant to avail itself of the affirmative defenses under the proviso of section 4 of the act of April 14, 1910, it must show affirmatively "that the car had been properly equipped, that such equipment became defective or insecure while in use by the carrier upon its line of railroad, that the car was being hauled from the place where the equipment was first discovered to be defective or insecure to the nearest available point where the defect could be repaired, that such movement was necessary to make the repairs, and that the repairs could not be made except at such repair point."

In *Great Northern Ry. Co.* v. *United States*, 297 Fed. 692, defendant operated transfer trains between two of its yards, approximately 8,000 feet apart, without the use of power brakes on any of the cars. The trains were operated as units over lines used by all through freight trains, crossing the main line used by several passenger trains and also crossing several city streets. After moving from one yard to the other the individual cars were switched to various industries. The court held that these were train movements within the meaning of the power-brake provision of the safety appliance acts and that at least 85 per cent of the cars in the trains must have their power brakes in condition to be used and operated by the engineer.

In *United States* v. *Western & A. R. R.*, 297 Fed. 482, the District Court for the Northern District of Georgia held that the requirements of the safety appliance acts were absolute and that a strike or state of violence neither suspended the statute nor changed its terms; that the inspection of cars in the open yards of defendant without a warrant was not a search forbidden by the fourth amendment to the Constitution; and that if the examination of cars on the open track was a search it was not an unreasonable one.

In our last report we stated that in *United States* v. *John H. McCallum et al.*, constituting the Board of State Harbor Commissioners of the State of California operating the State Belt Railroad, the District Court for the Northern District of California directed a verdict in favor of the Government; that an appeal had been taken by the defendants; and that the case was then pending in the Circuit Court of Appeals for the Ninth Circuit.

In *M'Callum* v. *United States*, 298 Fed. 373, that court affirmed the decision of the district court and on October 13, 1924, the Supreme Court denied the defendants' application for a writ of certiorari.

In *United States* v. *Atlanta Joint Terminals*, not reported, the District Court for the Northern District of Georgia held that the safety appliance laws are to be rigidly and narrowly construed strictly according to their terms; that the return movement to a connection of a car received from that connection with defective safety appliances would be a use prohibited by law; and that the permission granted in section 4 of the act of April 14, 1910, to haul for purposes of repairs is limited to the carrier upon whose line the defect occurs.

In *United States* v. *Louisville and Jeffersonville Bridge and Railroad Company*, decided by the Circuit Court of Appeals for the Sixth Circuit, a string of some 20 cars was delivered to defendant carrier. Upon inspection, it was found that one of the cars had a defective running board, and thereupon the carrier disconnected the defective car from the other cars and returned it to the delivering road several hours later, together with a number of other cars. The court held that, inasmuch as the carrier had no other way of completing the rejection of the defective car except by hauling it back to the delivering carrier, the law was not violated.

There were 29 cases of violation of the hours of service acts, comprising 210 counts, transmitted to United States atourneys for prosecution; cases comprising 283 counts were confessed and 150 counts were dismissed; 45 counts were tried; judgment was had in 39 counts in favor of the Government and 6 counts against the Government. On July 1, 1924, there were pending in the various district courts 63 cases, involving 487 counts.

In *United States* v. *Atchison, T. & S. Ry. Co.*, 298 Fed. 549, the court held that the duties of two yardmasters who controlled the movement of all trains and engines within defendant's train yard, one for 12 hours during the day and the other for 12 hours during the night, and who used a telephone to transmit messages concerning train movements, brought their service within the provisions of the hours of service act, and that the employment of either for more than 9 hours in a 24-hour period was in violation of the law.

A report in our investigation of power brakes and appliances for operating train brake systems, mentioned in our annual reports for the past two years, was issued July 18, 1924, 91 I. C. C. 481.

Approximately 1,170,000 cars and locomotives were inspected. The number per 1,000 inspected which were found with defective safety appliances was 52.73. The corresponding record for the preceding year, during which the shopmen's strike occurred, was 100.31 and for the year ended June 30, 1922, it was 50.54.

Hours of service reports were filed by 1,166 railroads, of which 786 reported no instances of service in excess of the limits prescribed by law. Three hundred and eighty railroads reported a total of 48,222 instances of excess service, this number representing a decrease of 26.4 per cent as compared with the preceding year.

We investigated 100 train accidents, of which 52 were collisions and 48 derailments. The collisions resulted in the death of 119 and the injury of 928 persons; the derailments resulted in the death of 127 and the injury of 572 persons, a total of 246 killed and 1,500 injured. A detailed report concerning each accident investigated is made public when completed, and summaries of these reports are published quarterly. In several instances supplemental investigations have been made at suitable intervals after the occurrence of accidents to ascertain whether measures have been taken by the carriers to correct dangerous conditions or practices pointed out in the original accident investigation reports

Last year reference was made to a report on the formation and prevalence of transverse fissures in steel rails. In cooperation with railroads and steel mills, studies have been made and are now in progress to determine what peculiar condition, if any, exists at the nucleus of a transverse fissure to which its formation is attributable. A report on other types of rail failures is also being compiled.

In our last report we called attention to the rapid increases during recent years in the number of accidents at highway grade crossings During the calendar year 1923 there were 5,218 accidents at highway grade crossings which resulted in the death of 2,268 persons and the injury of 6,314. Automobiles figured in 4,007 of these accidents, 1,759 persons being killed and 5,416 injured. There were 18 derailments of trains as a result of collisions between trains and automobiles, causing the death of 19 persons and the injury of 77. In addition, there were 6 derailments of trains as a result of collisions between trains and automobiles, but without death or personal injury.

We have participated with the National Association of Railroad and Utilities Commissioners in the effort to devise ways and means for decreasing accidents at railroad grade crossings. We were represented at a conference on prevention of such accidents held in Chicago April 30–May 1, 1924, called by Mr. H. G. Taylor, president of the association, pursuant to a resolution adopted at the last annual convention. The conference was attended by representatives of many railroads, State commissions, the American Association of State Highway Officials, United States Bureau of Public Roads, National Safety Council, American Automobile Association, United States Chamber of Commerce, American Railway Association, and other organizations. One of the main purposes of this conference was to determine ways of coordinating the efforts of all organizations engaged in promoting safety at grade crossings. Our bureau of safety is in touch with what is being done by State commissions and others actively engaged in accident prevention work.

MEDALS OF HONOR

The investigation of applications for medals of honor under the act of February 23, 1905, has been continued, and two such medals have been awarded during the past fiscal year. The act authorizes the President to bestow bronze medals of honor upon persons who by extreme daring endanger their own lives in saving, or endeavoring to save, lives from any wreck, disaster, or grave accident, or in preventing, or endeavoring to prevent, such wreck, disaster, or grave accident upon any railroad within the United States engaged in interstate commerce.

Since the passage of this act 37 applications for medals have been filed, 24 of which have been approved and medals awarded, including the 2 awarded during the past fiscal year, and 13 applications for medals have been denied.

BUREAU OF LOCOMOTIVE INSPECTION

The work of this bureau is shown in detail in the report of the chief inspector, published separately. Except as otherwise stated, the report here made is for the fiscal year ended June 30, 1924.

The following tables covering the fiscal years indicated are self-explanatory.

Number of locomotives for which reports are filed, number inspected, number found defective, percentage inspected found defective, number ordered out of service, and total number of defects found

	1924	1923	1922	1921	1920
Number of locomotives for which reports are filed	70,683	70,242	70,070	70,475	69,910
Number inspected	67,507	63,657	64,354	60,812	49,471
Number found defective	36,098	41,150	30,978	30,207	25,529
Percentage inspected found defective	53	65	48	50	52
Number ordered out of service	5,764	7,075	3,089	3,914	3,774
Total number of defects found	146,121	173,840	101,734	104,848	95,066

Number of accidents, number killed, and number injured as the result of failure of some part or appurtenance of the locomotive and tender, including the boiler

	Year ended June 30—				
	1924	1923	1922	1921	1920
Number of accidents	1,005	1,348	622	735	843
Per cent increase or decrease from previous year	25.5	[1] 117	15.4	12.8	[1] 49.2
Number of persons killed	66	72	33	64	66
Per cent increase or decrease from previous year	8.3	[1] 118	48.4	3	[1] 15.8
Number of persons injured	1,157	1,560	709	800	916
Per cent increase or decrease from previous year	25	[1] 120	11.3	12.6	[1] 41.6

[1] Increase.

Number of accidents, number killed, and number injured as a result of the failure of parts and appurtenances of the locomotive boiler, to which the original locomotive boiler inspection act was confined

	Year ended June 30—				
	1924	1923	1922	1915	1912
Number of accidents	393	509	273	424	856
Number of persons killed	54	47	25	13	91
Number of persons injured	447	594	318	467	1005

Derailments due to defects in or failure of some part of the locomotive or tender with the number of persons killed and injured as the result of such derailments

	Year ended June 30—				
	1924	1923	1922	1921	1920
Number of derailments[1]	30	38	22	8	7
Number of persons killed	3	4	5	-------	7
Number of persons injured	112	157	61	30	18

[1] Only derailments reported by carriers as being caused by defect in or failure of parts of the locomotive or tender were investigated or counted.

The above tables show the effect of operating defective locomotives. In 1922, when 48 per cent of the locomotives inspected were defective, there were 622 accidents caused by failure of some part or appurtenance of the locomotive or tender, resulting in the death of 33 persons and injury to 709. In 1923 the percentage of defective locomotives increased to 65, the number of accidents to 1,348, the number killed to 72, and the number injured to 1,560 persons. In 1924 the percentage of defective locomotives was reduced to 53, the number of accidents to 1,005, the number killed to 66, and the number injured to 1,157. The conditions are still far from satisfactory and clearly show the need for more careful inspection and more thorough repair of locomotives.

Number of persons killed and injured, classified according to occupations

	1924		192		1922		1921		1920	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Members of train crews:										
Engineers	19	330	19	484	11	213	15	237	16	272
Firemen	22	434	16	597	10	277	25	360	20	404
Brakemen	9	102	12	137	7	66	13	64	9	77
Conductors	2	39	1	35	-------	25	2	20	2	19
Switchmen	1	29	2	32	1	13	3	15	4	19
Roundhouse and shop employees:										
Boilermakers	1	24	3	19	1	10	1	7	2	9
Machinists	1	9	2	14	-------	9	1	3	1	20
Foremen	1	6	1	6	-------	1	1	3	-------	3
Inspectors	1	3	-------	2	-------	2	-------	5	-------	1
Watchmen	-------	5	1	6	-------	3	-------	4	4	3
Boilerwashers	2	5	1	9	-------	1	-------	7	-------	13
Hostlers	-------	14	-------	31	-------	10	-------	8	-------	13
Other roundhouse and shop employees	6	34	4	29	1	15	1	25	3	30
Other employees	-------	16	4	36	2	23	2	16	4	26
Nonemployees	1	107	6	123	-------	41	-------	21	1	7
Total	66	1,157	72	1,560	33	709	64	800	66	916

The condition of motive power is reflected in the number of accidents and casualties to persons resulting from failures of parts and appurtenances of locomotives and tenders.

All accidents reported to this bureau, as required by the law and rules, were carefully investigated and action taken to prevent recurrences in so far as possible. Copies of accident investigation reports were furnished to interested parties when requested and otherwise used in our endeavor to decrease the number of accidents.

The percentage of locomotives found defective decreased from 65 per cent during the year 1923 to 53.4 per cent during the last year, but it is still higher than during the year 1922, when 48 per cent of the locomotives inspected by our inspectors were found defective.

There were 43 boiler explosions which resulted in the death of 45 and the serious injury of 59 persons, a decrease in the number of explosions of 24.6 per cent as compared with the preceding year, but an increase of 30 per cent over the year 1922.

Most of these explosions were caused by overheating of the crown-sheet, because of low water in the boiler, although contributory defects or causes were found in 52.4 per cent of the cases. The necessity for better construction, inspection, and repair of all parts and appurtenances is apparent.

Information of violations of the locomotive inspection act was lodged with the proper United States attorneys in 9 cases covering 95 counts. Four of these cases, with 36 counts, were tried and fines aggregating $3,600 were imposed. Of the 27 cases embracing 299 counts reported in our last report as pending, 19 cases of 215 counts were tried and fines aggregating $16,100 were imposed. There are now pending in the various district courts 13 cases covering 143 counts.

One hundred thirty-nine applications were filed for extension of time for removal of flues, as provided in rule 10. Our investigation disclosed that in twelve of these cases the condition of the locomotives was such that no extension could properly be granted. Seventeen were in such condition that the full extension requested could not be authorized, but extensions for shorter periods, within the limits of safety, were allowed. Fifteen extensions were granted after defects disclosed by our investigations had been repaired. Twenty-two applications were withdrawn by the carriers for various reasons and the remaining 73 were granted.

In compliance with rule 54 there were filed 3,336 specification cards, 11,795 alteration reports and other required data necessary in determining safe working pressure for the boilers represented. In order to determine whether or not the boilers were so constructed as to be in safe condition for service, and that the stresses were within the allowed limits, these specification cards and alteration

reports were carefully checked and analyzed, and corrective measures were taken with respect to numerous discrepancies.

No formal appeal was taken from the decision of any inspector.

The act of June 7, 1924, further amending the locomotive inspection law, extended our jurisdiction to all locomotives and tenders, their parts and appurtenances. Rules and arrangements necessary to make the provisions of the amendment fully effective are receiving active consideration and will be formulated and completed as promptly as conditions will permit.

RAILWAY MAIL PAY

Upon reexamination of the facts and circumstances surrounding the transportation of mail matter by eight Class I roads in New England we found that the rates of pay to be received by them for the transportation of mail matter and the services connected therewith should be increased approximately 35 per cent. The increased rates were made effective December 13, 1923, *Railway Mail Pay*, 85 I. C. C. 157. Upon petition of the carriers, the case was reopened and oral argument had upon the question of whether the increased rates should be made retroactive to the date the petition was filed. This point has not been determined.

Hearings upon the application of 23 short lines in Intermountain and Pacific Coast States for increased rates of mail pay have been completed and the case is submitted for decision.

The Electric Railway Mail Pay Case, 58 I. C. C. 455, which, as stated in our last report, was reopened, has also been heard and submitted and is awaiting decision.

STANDARD TIME ZONE INVESTIGATION

The only modifications during the year in our outstanding orders in this proceeding [1] related to the boundary between the standard eastern and central time zones in Ohio and West Virginia. The first of these, effected by our tenth supplemental report and order, *Standard Time Zone Investigation*, 88 I. C. C. 135, redefined the zone boundary in Ohio so as to include within the eastern time zone Columbus and generally that part of the State on and east of the line of the Hocking Valley Railway. The same order included within the central zone Wayne County and a portion of Mingo County, W. Va. The eleventh supplemental report and order, 88 I. C. C. 343, and our unreported order of March 29, 1924, respectively, authorized operation of the western division of the New York Central Railroad (Ohio Central lines) north of Columbus and of the line of the Pennsylvania Railroad between Circleville and Morrow,

[1] 40 Stat. 450, as amended by 41 Stat. 280, 1446 and 42 Stat. 1434.

Ohio, on standard eastern time, on condition that schedules and bulletins for use of the public be published in terms of central time. All three orders referred to became effective March 30. On July 23, following a further hearing, we entered our twelfth supplemental report and order, 91 I. C. C. 686, relocating the zone boundary north of Columbus so as to include the cities of Findlay, Kenton, Bellefontaine, and Marysville, Ohio, within the standard eastern time zone.

BOARDS OF REFEREES

These boards, created to hear and determine cases brought under the provisions of sections 3 and 6 of the Federal control act, have been constituted from our official force.

Upon request of claimants the proceedings in cases brought under the provisions of section 6 of that act were held in abeyance pending their further efforts to effect settlements with the Director General of Railroads, as agent.

Twenty reports were made by the boards to the President and eight cases were dismissed at the instance of the claimants, following final settlement of their claims with the Director General.

Thirty-one boards have been appointed for cases brought under section 3 of the Federal control act.

Thirty-two cases brought under the provisions of section 3 of the Federal control act and three cases brought under the provisions of section 6 of the act are pending.

RECOMMENDATIONS

We adhere to our previous recommendations.

STATEMENT OF APPROPRIATIONS AND EXPENDITURES FOR THE FISCAL YEAR ENDED JUNE 30, 1924

An act making appropriations for the executive, etc., approved February 13, 1923:		
For salaries of commissioners	$132, 000. 00	
For salary of secretary	7, 500. 00	
		$139, 500. 00
For all other authorized expenditures necessary in the execution of laws to regulate commerce:		
General		2, 139, 360. 00
To enable the Interstate Commerce Commission to enforce compliance with section 20 and other sections of the act to regulate commerce as amended by the act approved June 29, 1906, and as amended by the transportation act, 1920, including the employment of necessary special accounting agents or examiners:		
Accounts		550, 000. 00

To enable the Interstate Commerce Commission to keep informed regarding and to enforce compliance with acts to promote the safety of employees and travelers upon railroads; the act requiring common carriers to make reports of accidents and authorizing investigations thereof; and to enable the Interstate Commerce Commission to investigate and test block-signal and train-control systems and appliances intended to promote the safety of railway operation, as authorized by the joint resolution approved June 30, 1906, and the provision of the sundry civil act approved May 27, 1908:	
Safety	$400,000.00
For all authorized expenditures under the provisions of the act of February 17, 1911, "To promote the safety of employees and travelers upon railroads by compelling common carriers engaged in interstate commerce to equip their locomotives with safe and suitable boilers and appurtenences thereto," and amendment of March 4, 1915, extending "the same powers and duties with respect to all parts and appurtenences of the locomotive and tender:"	
Locomotive inspection	300,000.00
To enable the Interstate Commerce Commission to carry out the objects of the act entitled "An act to amend an act entitled 'An act to regulate commerce,' approved February 4, 1887, and all acts amendatory thereof," by providing for a valuation of the several classes of property of carriers subject thereto and securing information concerning their stocks, bonds, and other securities, approved March 1, 1913:	
Valuation	1,250,000.00
For printing and binding, including not to exceed $10,000 to print and furnish to the States at cost report-form blanks:	
Printing and binding	125,000.00
An act to provide additional compensation, etc., approved March 4, 1923:	
Increase of compensation	300,000.00
Total	5,203,860.00
Amounts expended under appropriations for the fiscal year ended June 30, 1924:	
As salaries to commissioners and secretary	$138,566.66
General	2,059,495.94
Accounts	549,477.30
Safety	381,090.37
Locomotive inspection	299,662.30
Valuation	1,245,718.33
Printing and binding	124,959.29
Additional compensation	267,566.23
	5,066,536.42

Unexpended balance of appropriations:		
As salaries to commissioners and secretary	$933. 34	
General	79, 864. 06	
Accounts	522. 70	
Safety	18, 909. 63	
Locomotive inspection	337. 70	
Valuation	4, 281. 67	
Printing and Binding	40. 71	
Additional compensation	32, 433. 77	
		$137, 323. 58
Total		5, 203, 860. 00

HENRY C. HALL, *Chairman.*
CHARLES C. MCCHORD.
BALTHASAR H. MEYER.
CLYDE B. AITCHISON.
JOSEPH B. EASTMAN.
MARK W. POTTER.
JOHN J. ESCH.
JOHNSTON B. CAMPBELL.
ERNEST I. LEWIS.
FREDERICK I. COX.
FRANK MCMANAMY.

APPENDIX A

INDICTMENTS RETURNED, INFORMATIONS AND COMPLAINTS FILED, AND CASES CONCLUDED

Summary of indictments returned and informations and complaints filed between November 1, 1923, and October 31, 1924, inclusive, for violations of the interstate commerce, Elkins, and bills of lading acts.
Summary of cases arising from violations of the above acts concluded between November 1, 1923, and October 31, 1924, inclusive, and sentences imposed.

SUMMARY OF INDICTMENTS RETURNED AND INFORMATIONS AND COMPLAINTS FILED BETWEEN NOVEMBER 1, 1923, AND OCTOBER 31, 1924, INCLUSIVE

United States *v.* Arkansas Railroad Co., District Court, Eastern Arkansas, October 13, 1924, complaint charging failing to file annual report; 1 count.

United States *v.* Mike Autman and Jim Enochs, District Court, Western Tennessee, September 8, 1924, information charging unlawful use of pass; 1 count.

United States *v.* Christine E. Baker, District Court, Eastern Virginia, March 14, 1924, information charging unlawful use of pass; 3 counts.

United States *v.* Christine E. Baker, District Court, Eastern Virginia, March 14, 1924, information charging unlawful use of pass; 1 count.

United States *v.* Baltimore & Ohio Railroad Co., District Court, Northern Ohio, January 29, 1924, indictment charging unlawful extension of credit; 10 counts.

United States *v.* Maurice G. Bennett, District Court, New Jersey, March 25, 1924, indictment charging falsifying records; 7 counts.

United States *v.* E. H. Billingsley and Mrs. Carl A. Reeske, District Court, Northern Texas, May 21, 1924, information charging unlawful use of pass; 1 count.

United States *v.* Elbert Blaylock, K. C. Hall, Pearl Williams, Mrs. William Harris, Geneva Merritt, Mrs. Henrietta Bryant, and Addie Pullin, District Court, Kansas, January 16, 1924, indictment charging conspiring to use passes unlawfully; 1 count.

United States *v.* Buffalo, Rochester & Pittsburgh Railway Co., District Court, Western New York, November 12, 1923, indictment charging granting concessions and discriminations; 100 counts.

United States *v.* E. Luther Burke, District Court, Eastern Illinois, September 4, 1924, indictment charging falsifying records; 5 counts.

United States *v.* W. M. Cady Lumber Co. and William M. Cady, District Court, Western Louisiana, June 10, 1924, indictment charging receiving discriminations; 14 counts.

United States *v.* Cleveland and Morgantown Coal Co., District Court, Northern West Virginia, May 31, 1924, indictment charging accepting concessions and discriminations; 15 counts.

United States *v.* Charles Coburn, District Court, New Hampshire, May 1, 1924, indictment charging unlawful use of pass; 1 count.

United States *v.* James J. Dougherty, District Court, Western Pennsylvania, May 24, 1924, indictment charging falsifying records and abstracting and embezzling funds; 24 counts.

United States *v.* James J. Dougherty and William H. Towzey, District Court, Western Pennsylvania, May 24, 1924, indictment charging falsifying records, conspiring to falsify records, and abstracting and embezzling funds; 13 counts.

United States *v.* Erie Railroad Co., District Court, Western New York, April 24, 1924, indictment charging unlawful extension of credit; 10 counts.

United States *v.* R. C. Faulk, District Court, Northern Texas, May 21, 1924, information charging unlawful use of pass; 1 count.

United States *v.* E. W. Fink, J. T. McEnroe, and James S. Miller Co., District Court, Northern Illinois, May 16, 1924, indictment charging conspiring to falsify records; 1 count.

United States *v.* E. W. Fink, Maurice A. Getz, and Great Lakes Iron and Metal Co., District Court, Northern Illinois, May 16, 1924, indictment charging conspiring to falsify records; 1 count.

United States *v.* William R. T. Freeman and Mrs. Cleo Smith, District Court, Southern Iowa, June 17, 1924, indictment charging unlawful use of pass; 1 count.

United States *v.* Glenmora & Western Railway Co. and William M. Cady, District Court, Western Louisiana, June 10, 1924, indictment charging granting discriminations and failing to furnish transportation upon reasonable request; 18 counts.

United States *v.* Great Northern Railway Co., Oregon-Washington Railroad & Navigation Co., and Oregon Short Line Railroad Co., District Court, Idaho, October 16, 1924, information charging receiving a greater compensation for a shorter than for a longer distance; 2 counts.

United States *v.* Clarence Hanson, District Court, North Dakota, April 24, 1924, indictment charging granting discrimination; 2 counts.

United States *v.* Hazel Harbaugh and W. C. Stewart, District Court, Western Pennsylvania, November 16, 1923, information charging unlawful use of pass; 1 count.

United States *v.* Mark Haynes and Albert Preston, District Court, Eastern Illinois, May 6, 1924, indictment charging conspiring to use passes unlawfully; 1 count.

United States *v.* Emory E. Holderness, District Court, Eastern Virginia, March 14, 1924, information charging unlawful use of pass; 1 count.

United States *v.* Harry B. Houck and Sheldon B. Showalter, District Court, Middle Pennsylvania, March 11, 1924, indictment charging conspiring to use passes unlawfully; 1 count.

United States *v.* Norris J. Huffington, District Court, Maryland, September 17, 1924, information charging unlawful use of pass; 1 count.

United States *v.* H. W. Ickes and Madge Burnham, District Court, Southern California, July 28, 1924, information charging unlawful use of pass; 1 count.

United States *v.* W. N. C. Jenkins, District Court, Eastern Virginia, March 14, 1924, information charging unlawful use of pass; 3 counts.

United States *v.* Pete Johnson, District Court, Eastern Virginia, November 12, 1923, information charging unlawful use of pass; 2 counts.

United States *v.* Fred Jones, District Court, Eastern Pennsylvania, September 8, 1924, indictment charging unlawful use of pass; 1 count.

United States *v.* London Jones, District Court, Southern California, August 26, 1924, information charging unlawful use of pass; 1 count.

United States *v.* Sidney L. Katz, District Court, Eastern Kentucky, December 11, 1923, indictment charging unlawful use of pass; 1 count.

United States *v.* Howard L. Kelly and James Mowrer, District Court, Middle Pennsylvania, March 11, 1924, indictment charging conspiring to use passes unlawfully; 1 count.

United States *v.* C. J. Kling, and Wayne B. Lyle, District Court, Western Pennsylvania, January 14, 1924, information charging unlawful use of pass; 1 count.

United States *v.* P. Koenig Coal Co., District Court, Eastern Michigan, November 20, 1923, indictment charging accepting concessions and discriminations; 18 counts.

United States *v.* Columbus Lee, District Court, Eastern Illinois, September 10, 1924, indictment charging unlawful use of pass; 1 count.

United States *v.* Lehigh Valley Railroad Co., District Court, Western New York, April 24, 1924, indictment charging unlawful extension of credit; 10 counts.

United States *v.* John Linn and John W. Gilmore, District Court, Western Pennsylvania, September 2, 1924, information charging unlawful use of pass; 1 count.

United States *v.* Louisiana & Pacific Railway Co., District Court, Western Louisiana, October 27, 1924, complaint charging failing to file annual report; 1 count.

United States *v.* Louisville, New Albany & Corydon Railroad Co., District Court, Indiana, October 13, 1924, complaint charging failing to file annual report; 1 count.

United States *v.* McDonnell & Sons, Inc., District Court, Vermont, May 28, 1924, indictment charging false billing; 9 counts.

United States *v.* William H. May and Lemuel D. Cobb, District Court, Western Missouri, April 12, 1924, indictment charging accepting concessions and aiding and abetting therein; 5 counts.

United States *v.* H. H. Mayer, District Court, Western Oklahoma, February 18, 1924, information charging unlawful use of pass; 1 count.

United States *v.* Raymond L. Mayo and Carl A. Reeske, District Court, Northern Texas, May 21, 1924, information charging unlawful use of pass; 1 count.

United States *v.* Michigan Central Railroad Co., District Court, Eastern Michigan, January 12, 1924, complaint charging violations of commission's service order No. 23; 20 counts.

United States *v.* Michigan Portland Cement Co., District Court, Eastern Michigan, November 21, 1923, indictment charging accepting concessions and discriminations; 15 counts.

United States *v.* James S. Miller Co. and J. T. McEnroe, District Court, Northern Illinois, May 2, 1924, indictment charging obtaining transportation at less than lawful rate; 3 counts.

United States *v.* A. Nejan, District Court, Eastern North Carolina, November 21, 1923, indictment charging filing false claim; 1 count.

United States *v.* O. V. Newman and Mrs. G. B. Conklin, District Court, Southern West Virginia, March 5, 1924, indictment charging conspiring to use pass unlawfully; 1 count.

United States *v.* New York Central Railroad Co., District Court, Western New York, April 24, 1924, indictment charging unlawful extension of credit; 10 counts.

United States *v.* New York Central Railroad Co., District Court, Southern New York, February 19, 1924, complaint charging violations of commission's service order No. 25; 25 counts.

United States *v.* New York Central Railroad Co., District Court, Southern New York, May 7, 1924, complaint charging violations of commission's service order No. 25; 25 counts.

United States *v.* Lawrence Perkinson, District Court, Southern Ohio, May 5, 1924, indictment charging unlawful use of pass; 1 count.

United States *v.* Elijah Pearsons, District Court, Eastern Illinois, September 10, 1924, indictment charging unlawful use of pass; 1 count.

United States *v.* Pennsylvania Railroad Co., District Court, Eastern Pennsylvania, January 17, 1924, complaint charging violations of commission's service order No. 23; 50 counts.

United States *v.* Pennsylvania Railroad Co., District Court, Northern Ohio, January 29, 1924, indictment charging unlawful extension of credit; 10 counts.

United States *v.* Samuel Pursglove, District Court, Northern West Virginia, May 31, 1924, indictment charging granting concessions and discriminations; 15 counts.

United States *v.* George Pohlmeyer, District Court, Southern Ohio, January 10, 1924, indictment charging unlawful use of pass; 1 count.

United States *v.* Port Bolivar Iron Ore Railway Co., District Court, Eastern Texas, October 15, 1924, complaint charging failing to file annual report; 1 count.

United States *v.* Potato Creek Railroad Co., District Court, Western Pennsylvania, October 15, 1924, complaint charging failing to file annual report; 1 count.

United States *v.* Vernon Powell, District Court, Western Oklahoma, January 21, 1924, information charging unlawful use of pass; 1 count.

United States *v.* Prattsburgh Railroad Corporation, District Court, Western New York, October 20, 1924, complaint charging failing to file annual report; 1 count.

United States *v.* Quincy, Omaha & Kansas City Railway Co., District Court, Western Missouri, October 28, 1924, complaint charging failing to file annual report; 1 count.

United States *v.* Hettie Ridley, District Court, Eastern Virginia, November 12, 1923, information charging unlawful use of pass; 2 counts.

United States *v.* Rochester & Pittsburgh Coal and Iron Co., District Court, Western New York, November 12, 1923 indictment charging accepting concessions and discriminations; 100 counts.

United States *v.* St. Louis Southwestern Railway Co., and Houston East and West Texas Railway Co., District Court, Eastern Arkansas, October 24, 1924, indictment charging receiving a greater compensation for a shorter than for a longer haul; 5 counts.

United States *v.* Lawrence A. Shipman and Louise Schenkel, District Court, Southern Ohio, April 3, 1924, indictment charging conspiring to use pass unlawfully; 1 count.

United States *v.* Tennessee Central Railroad Co., District Court, Eastern Tennessee, November 13, 1923, indictment charging accepting concessions; 5 counts.

United States *v.* Addison W. Tippett, District Court, Northern Texas, April 22, 1924 indictment charging making and uttering, with intent to defraud, false bills of lading; 1 count.

United States *v.* Amy Walker, District Court, Western Oklahoma, January 21, 1924, information charging unlawful use of pass; 1 count.

United States *v.* John L. Walker, District Court, Eastern Virginia, March 14, 1924, information charging unlawful use of pass; 3 counts.

United States *v.* John L. Walker, District Court, Eastern Virginia, March 14, 1924, information charging unlawful use of pass; 1 count.

United States *v.* Western Grain Co., District Court, Western Arkansas, January 16, 1924, indictment charging false billing; 5 counts.

United States *v.* Jay Willsey, District Court, Wyoming, November 20, 1923, indictment charging falsifying records; 5 counts.

United States *v.* Moe Winburn and Lewis Winburn, District Court, Massachusetts, March 6, 1924, indictment charging conspiring to use passes unlawfully; 1 count.

United States *v.* Clarence Woods, District Court, Oregon, May 14, 1924, information charging unlawful use of pass; 1 count.

United States *v.* Ray Wright, District Court, Southern California, June 20, 1924, information charging unlawful use of pass; 1 count.

United States *v.* Youngstown & Ohio River Railroad Co., District Court, Northern Ohio, October 13, 1924, complaint charging failing to file annual report; 1 count.

United States *v.* Garnett S. Zorn, District Court, Western Kentucky, March 14, 1924, indictment charging accepting concessions; 10 counts.

SUMMARY OF CASES CONCLUDED IN UNITED STATES DISTRICT COURTS BETWEEN NOVEMBER 1, 1923, AND OCTOBER 31, 1924, INCLUSIVE

United States *v.* John A. Andrews, District Court, Connecticut, indictment charging filing false claims. November 5, 1923, plea of guilty entered and fine of $500 imposed. Indictment returned September 25, 1923.

United States *v.* Mike Autman and Jim Enochs, District Court, Western Tennessee, information charging unlawful use of pass. September 8, 1924, plea of guilty entered on behalf of Autman and fine of $100 imposed. Information filed September 8, 1924.

United States *v.* Christine E. Baker, District Court, Eastern Virginia, information charging unlawful use of pass. April 8, 1924, plea of guilty entered and sentence to pay fine of $200 and serve one hour in jail imposed to apply in this case and next succeeding case. Information filed March 14, 1924.

United States *v.* Christine E. Baker, District Court, Eastern Virginia, information charging unlawful use of pass. April 8, 1924, plea of guilty entered and sentence to pay fine of $200 and serve one hour in jail imposed to apply in this case and next preceding case. Information filed March 14, 1924.

United States *v.* Baltimore & Ohio Railroad Co., District Court, Maryland, complaint charging violations of commission's service order No. 25. June 17, 1924, confession of judgment entered and penalty of $5,000 imposed. Complaint filed August 18, 1923.

United States *v.* Baltimore & Ohio Railroad Co., District Court, Maryland, complaint charging violations of commission's service order No. 23. July 9, 1924, dismissal entered. Complaint filed April 26, 1923.

United States *v.* Baltimore & Ohio Railroad Co., District Court, Northern Ohio, indictment charging unlawful extension of credit. July 22, 1924, plea of nolo contendere entered and fine of $800 imposed. Indictment returned January 29, 1924.

United States *v.* Maurice G. Bennett, District Court, New Jersey, indictment charging falsifying records. April 7, 1924, plea of guilty entered and sentence to serve one year and one day in penitentiary imposed. Indictment returned March 25, 1924.

United States *v.* George Billingsby, District Court, Oregon, information charging unlawful use of pass. February 16, 1924. plea of guilty entered and fine of $150 imposed. Information filed October 4, 1923.

United States *v.* E. H. Billingsley and Mrs. Carl A. Reeske, District Court, Northern Texas, information charging unlawful use of pass. May 21, 1924, plea of guilty entered on behalf of Billingsley and fine of $100 imposed. May 28, 1924, nolle prosequi entered as to Mrs. Reeske. Information filed May 21, 1924.

United States *v.* Elbert Blaylock, K. C. Hall, Pearl Williams, Mrs. William Harris, Geneva Merritt, Mrs. Henrietta Bryant, and Addie Pullin, District Court, Kansas, indictment charging conspiring to use passes unlawfully. April 14, 1924, pleas of guilty entered on behalf of defendants Hall, Blaylock, and Williams and sentence to serve 40 days in jail imposed upon each. Nolle prosequi entered as to other defendants. Indictment returned January 16, 1924.

United States *v.* Bluefield Coal & Coke Co., District Court, Western North Carolina, indictment charging accepting concessions and discriminations. January 30, 1924, plea of nolo contendere entered and fine of $1,000 imposed. Indictment returned June 5, 1923.

United States *v.* Fred C. Boorman, C. Wickham Parker, and Albert H. Nelson, District Court, Northern Illinois, indictment charging filing false claims. June 26, 1924, nolle prosequi entered. Indictment returned July 10, 1915.

United States *v.* Buffalo, Rochester & Pittsburgh Railway Co., District Court, Western New York, indictment charging granting concessions and discriminations. January 29, 1924, plea of guilty entered and fine of $40,000 imposed. Indictment returned November 12, 1923.

United States *v.* Canadian Pacific Railway Co., District Court, Maine, indictment charging granting concessions and discriminations. December 31, 1923, plea of nolo contendere entered and fine of $1,000 imposed. Indictment returned June 5, 1923.

United States *v.* Charles Coburn, District Court, New Hampshire, indictment charging unlawful use of pass. June 10, 1924, plea of guilty entered and fine of $100 imposed. Indictment returned May 1, 1924.

United States *v.* J. C. Copeland, District Court, Nebraska, information charging unlawful use of pass. October 6, 1924, verdict of not guilty entered. Information filed July 12. 1923.

United States *v.* Erie Railroad Co., District Court, Western New York, indictment charging unlawful extension of credit. July 23, 1924, plea of guilty entered and fine of $5,000 imposed. Indictment returned April 24, 1924.

United States *v.* E. W. Fink, J. T. McEnroe, and James S. Miller Co., District Court, Northern Illinois, indictment charging conspiring to falsify records. July 23, 1924, pleas of guilty entered on bahalf of Fink and McEnroe and fine of $250 imposed upon each defendant. Nolle prosequi entered as to corporation defendant. Indictment returned May 16, 1924.

United States *v.* E. W. Fink, Maurice A. Getz, and Great Lakes Iron & Metal Co., District Court, Northern Illinois, indictment charging conspiring to falsify records. September 15, 1924, pleas of guilty entered on behalf of Getz and corporation defendant and fine of $1,000 imposed upon each. Nolle prosequi entered as to Fink. Indictment returned May 16, 1924.

United States *v.* William R. T. Freeman and Mrs. Cleo Smith, District Court, Southern Iowa, indictment charging unlawful use of pass. June 17, 1924, pleas of guilty entered and fine of $1,000 imposed upon each defendant. Indictment returned June 17, 1924.

United States *v.* Great Northern Railway Co., Oregon-Washington Railroad & Navigation Co., and Oregon Short Line Railroad Co., District Court, Idaho, information charging receiving greater compensation for a shorter than for a longer distance. October 16, 1924, pleas of guilty entered and fine of $2,000 imposed upon two last-named defendants. October 23, 1924, fine of $1,000 imposed upon Great Northern Railway Co. Information filed October 16, 1924.

United States *v.* Clarence Hanson, District Court, North Dakota, indictment charging granting discrimination. April 30, 1924, plea of guilty entered and sentence to serve 6 months in jail imposed. Indictment returned April 24, 1924.

United States *v.* Hazel Harbaugh and W. C. Stewart, District Court, Western Pennsylvania, information charging unlawful use of pass. November 16, 1923, plea of guilty entered on behalf of Stewart and fine of $100 imposed. January 14, 1924, nolle prosequi entered as to Hazel Harbaugh. Information filed November 16, 1923.

United States *v.* L. Harding & Sons, District Court, Nebraska, indictment charging false billing. April 17, 1924, plea of guilty entered and fine of $100 imposed. Indictment returned November 20, 1918.

United States *v.* Mark Haynes and Albert Preston, District Court, Eastern Illinois, indictment charging conspiring to use pass unlawfully. June 19, 1924, plea of guilty entered on behalf of Haynes and sentence to serve 30 days in jail imposed. Indictment returned May 6, 1924.

United States *v.* Emory E. Holderness, District Court, Eastern Virginia, information charging unlawful use of pass. April 8, 1924, plea of guilty entered and fine of $100 imposed. Information filed March 14, 1924.

United States *v.* Harry B. Houck and Sheldon B. Showalter, District Court, Middle Pennsylvania, indictment charging conspiring to use passes unlawfully. May 5, 1924, plea of guilty entered on behalf of Showalter and fine of $50 imposed. Indictment returned March 11, 1924.

United States *v.* H. W. Ickes and Madge Burnham, District Court, Southern California, information charging unlawful use of pass. August 25, 1924, plea of guilty entered on behalf of Ickes and fine of $100 imposed. Nolle prosequi entered as to Madge Burnham. Information filed July 28, 1924.

United States *v.* E. C. Jackson, District Court, Nebraska, information charging unlawful use of pass. October 6, 1924, verdict of not guilty entered. Information filed July 12, 1923.

United States *v.* Virginia Jacocks and Jordan Jacocks, District Court, Eastern North Carolina, indictment charging unlawful use of pass. November 28, 1923, pleas of guilty entered and fine of $1 imposed upon each defendant. Indictment returned April 3, 1923.

United States *v.* Pete Johnson, District Court, Eastern Virginia, information charging unlawful use of pass. November 15, 1923, plea of guilty entered and fine of $100 imposed. Information filed November 12, 1923.

United States *v.* Willie Johnson, District Court, Eastern North Carolina, indictment charging unlawful use of pass. April 29, 1924, nolle prosequi entered. Indictment returned April 3, 1923.

United States *v.* Benjamin H. Jones, District Court, Northern Illinois, information charging unlawful use of passes. March 24, 1924, plea of guilty entered and fine of $200 imposed. Information filed September 19, 1923.

United States *v.* Fred Jones, District Court, Eastern Pennsylvania, indictment charging unlawful use of pass. September 15, 1924, verdict of guilty entered and sentence to serve 30 days in jail imposed. Indictment returned September 8, 1924.

United States *v.* Henry L. Joyce, District Court, Southern New York, indictment charging violations of section 10 of the Clayton Act. May 29, 1924, plea of guilty entered and fine of $2,500 imposed. Indictment returned July 12, 1923.

United States *v.* Sidney L. Katz, District Court, Eastern Kentucky, indictment charging unlawful use of pass. December 12, 1923, plea of guilty entered and fine of $200 imposed. Indictment returned December 11, 1923.

United States *v.* Amos Keels, District Court, Eastern North Carolina, indictment charging unlawful use of pass. April 8, 1924, nolle prosequi entered. Indictment returned April 3, 1922.

United States *v.* Howard L. Kelly and James Mowrer, District Court, Middle Pennsylvania, indictment charging conspiring to use pass unlawfully. May 5, 1924, pleas of guilty entered and fine of $50 imposed upon each defendant. Indictment returned March 11, 1924.

United States *v.* S. S. Kirkpatrick, District Court, Western North Carolina, indictment charging aiding and abetting in the unlawful use of pass. May 12, 1924, verdict of guilty entered and fine of $200 imposed. Indictment returned June 5, 1922.

United States *v.* C. J. Kling and Wayne B. Lyle, District Court, Western Pennsylvania, information charging unlawful use of pass. January 14, 1924, plea of guilty entered on behalf of Lyle and fine of $100 imposed. March 17, 1924, plea of guilty entered on behalf of Kling and fine of $100 imposed. Information filed January 14, 1924.

United States *v.* P. Koenig Coal Co., District Court, Eastern Michigan, indictment charging accepting concessions and discriminations. September 22, 1924, demurrer sustained. Indictment returned November 20, 1923.

United States *v.* Columbus Lee, District Court, Eastern Illinois, indictment charging unlawful use of pass. September 10, 1924, plea of guilty entered and fine of $100 imposed. Indictment returned September 10, 1924.

United States *v.* Lehigh Valley Railroad Co., District Court, Western New York, indictment charging unlawful extension of credit. July 2, 1924, plea of guilty entered and fine of $5,000 imposed. Indictment returned April 24, 1924.

United States *v.* John Linn and John W. Gilmore, District Court, Western Pennsylvania, information charging unlawful use of pass. September 2, 1924, pleas of guilty entered and fine of $100 imposed upon each defendant. Information filed September 2, 1924.

United States *v.* McDonnell & Sons, Inc., District Court, Vermont, indictment charging false billing. May 28, 1924, plea of guilty entered and fine of $900 imposed. Indictment returned May 28, 1924.

United States *v.* George R. McGuire, Ernest Carter, and Tom J. Casey, District Court, Eastern Kentucky, indictment charging conspiring to use passes unlawfully. December 12, 1923, pleas of guilty entered and fines of $150 imposed upon McGuire and Carter and of $100 imposed upon Casey. Indictment returned October 19, 1923.

United States *v.* William H. May and Lemuel D. Cobb, District Court, Western Missouri, indictment charging accepting concessions and aiding and abetting therein. May 23, 1924, pleas of guilty entered and fine of $1,000 imposed upon each defendant. Indictment returned April 12, 1924.

United States *v.* Raymond L. Mayo and Carl A. Reeske, District Court, Northern Texas, information charging unlawful use of pass. May 22, 1924, plea of guilty entered on behalf of Mayo and fine of $100 imposed. Nolle prosequi entered as to Reeske. Information filed May 22, 1924.

United States *v.* Michigan Portland Cement Co., District Court, Eastern Michigan, indictment charging accepting concessions and discriminations. September 22, 1924, demurrer sustained. Indictment returned November 20, 1923.

United States *v.* Harry C. Miller, District Court, Southern California, indictment charging unlawful use of pass. December 29, 1923, nolle prosequi entered. Indictment returned July 10, 1914.

United States *v.* James S. Miller Co. and J. T. McEnroe, District Court, Northern Illinois, indictment charging obtaining transportation at less than lawful rate. July 23, 1924, plea of guilty entered on behalf of McEnroe and fine of $250 imposed. Nolle prosequi entered as to corporation defendant. Indictment returned May 2, 1924.

United States *v.* A. Nejan, District Court, Eastern North Carolina, indictment charging filing false claim. April 16, 1924, verdict of guilty entered and fine of $2,000 imposed. Indictment returned November 21, 1923.

United States *v.* O. V. Newman and Mrs. G. B. Conklin, District Court, Southern West Virginia, indictment charging conspiring to use pass unlawfully. March 5, 1924, pleas of guilty entered and fine of $100 imposed upon each defendant. Indictment returned March 5, 1924.

United States *v.* New York Central Railroad Co., District Court, Western New York, indictment charging unlawful extension of credit. July 2, 1924, plea of guilty entered and fine of $5,000 imposed. Indictment returned April 24, 1924.

United States *v.* Elijah Pearsons, District Court, Eastern Illinois, indictment charging unlawful use of pass. September 10, 1924, plea of guilty entered and fine of $100 imposed. Indictment returned September 10, 1924.

United States *v.* Pennsylvania Railroad Co., District Court, Northern Ohio, indictment charging unlawful extension of credit. July 22, 1924, plea of nolo contendere entered and fine of $500 imposed. Indictment returned January 29, 1924.

United States *v.* Lawrence Perkinson, District Court, Southern Ohio, indictment charging unlawful use of pass. May 29, 1924, plea of guilty entered and fine of $100 imposed. Indictment returned May 5, 1924.

United States *v.* Pittsburgh & Lake Erie Railroad Co., District Court, Northern Ohio, complaint charging violations of commission's service order No. 25. January 22, 1924, confession of judgment entered and penalty of $2,500 imposed. Complaint filed August 21, 1923.

United States *v.* George Pohlmeyer, District Court, Southern Ohio, indictment charging unlawful use of pass. January 11, 1924, plea of guilty entered and fine of $100 imposed. Indictment returned January 10, 1924.

United States *v.* Pomona Terra-Cotta Co., District Court, Western North Carolina, indictment charging accepting concessions and discriminations. January 30, 1924, plea of nolo contendere entered and fine of $1,000 imposed. Indictment returned June 5, 1923.

United States *v.* Pomona Terra-Cotta Co. and Bluefield Coal & Coke Co., District Court, Western North Carolina, indictment charging conspiring to accept concessions and discriminations. January 30, 1924, nolle prosequi entered. Indictment returned June 5, 1923.

United States *v.* Pomona Terra-Cotta Co. and West Virginia Coal Co., District Court, Western North Carolina, indictment charging conspiring to accept concessions and discriminations. January 30, 1924, nolle prosequi entered. Indictment returned June 5, 1923.

United States *v.* Vernon Powell, District Court, Western Oklahoma, information charging unlawful use of pass. February 4, 1924, plea of guilty entered and fine of $50 imposed. Information filed January 21, 1924.

United States *v.* Hettie Ridley, District Court, Eastern Virginia, information charging unlawful use of pass. November 15, 1923, plea of guilty entered and defendant dismissed in consideration of time spent in jail pending arraignment. Information filed November 12, 1923.

United States *v.* Rochester & Pittsburgh Coal and Iron Co., District Court, Western New York, indictment charging accepting concessions and discriminations. January 29, 1924, plea of guilty entered and fine of $40,000 imposed. Indictment returned November 12, 1923.

United States *v.* Lawrence A. Shipman and Louise Schenkel, District Court, Southern Ohio, indictment charging conspiring to use pass unlawfully. April 15, 1924, plea of guilty entered on behalf of Shipman and fine of $100 imposed. Nolle prosequi entered as to Louise Schenkel. Indictment returned April 3, 1924.

United States *v.* Coy S. Simpson, District Court, Eastern Missouri, indictment charging falsifying records. April 15, 1924, plea of guilty entered and fine of $1,000 imposed. Indictment returned June 13, 1922.

United States *v.* Joseph L. Smith, District Court, Eastern Missouri, indictment charging falsifying records. April 15, 1924, plea of guilty entered and fine of $1,000 imposed. Indictment returned June 13, 1922.

United States *v.* Tennessee, Central Railroad Co., District Court, Eastern Tennessee, indictment charging accepting concessions. April 28, 1924, plea of guilty entered and fine of $1,000 imposed. Indictment returned November 13, 1923.

United States *v.* Addison W. Tippett, District Court, Northern Texas, indictment charging making and uttering, with intent to defraud, false bill of lading.

April 29, 1924, verdict of not guilty entered. Indictment returned April 22, 1924.

United States *v.* United Alloy Steel Co., District Court, Northern Ohio, indictment charging accepting concessions and discriminations. November 2, 1923, plea of nolo contendere entered and fine of $10,000 imposed. Indictment returned May 24, 1923.

United States *v.* Amy Walker, District Court, Western Oklahoma, information charging unlawful use of pass. February 4, 1924, plea of guilty entered and fine of $50 imposed. Information filed January 21, 1924.

United States *v.* John L. Walker, District Court, Eastern Virginia, information charging unlawful use of pass. April 8, 1924, plea of guilty entered and sentence to serve three days in jail imposed. Information filed March 14, 1924.

United States *v.* John L. Walker, District Court, Eastern Virginia, information charging unlawful use of pass. April 8, 1924, plea of guilty entered and fine of $100 imposed. Information filed March 14, 1924.

United States *v.* West Virginia Coal Co., District Court, Western North Carolina, indictment charging accepting concessions and discriminations. January 30, 1924, plea of nolo contendere entered and fine of $1,000 imposed. Indictment returned June 5, 1923.

United States *v.* Western Grain Co., District Court, Western Arkansas, indictment charging false billing. June 16, 1924, plea of guilty entered and fine of $625 imposed. Indictment returned January 16, 1924.

United States *v.* Jay Willsey, District Court, Wyoming, indictment charging falsifying records. November 21, 1923, plea of guilty entered and sentence to serve 18 months in penitentiary imposed. Indictment returned November 20, 1923.

United States *v.* Moe Winburn and Lewis Winburn, District Court, Massachusetts, indictment charging conspiring to use pass unlawfully. March 10, 1924, plea of guilty entered on behalf of Moe Winburn and fine of $100 imposed. Indictment returned March 6, 1924.

United States *v.* J. M. Womack, District Court, Eastern Kentucky, indictment charging unlawful use of pass. December 10, 1923, nolle prosequi entered. Indictment returned December 14, 1916.

United States *v.* Clarence Woods, District Court, Oregon, information charging unlawful use of pass. June 14, 1924, plea of guilty entered and fine of $200 imposed. Information filed May 14, 1924.

United States *v.* Ray Wright, District Court, Southern California, information charging unlawful use of pass. June 20, 1924, plea of guilty entered and fine of $100 imposed. Information filed June 20, 1924.

APPENDIX B

SUMMARIES SHOWING ACTION TAKEN SINCE THE PERIOD COVERED BY THE LAST ANNUAL REPORT WITH RESPECT TO CASES INVOLVING ORDERS OR REQUIREMENTS OF THE COMMISSION AND STATUS ON OCTOBER 31, 1924, OF CASES PENDING IN THE COURTS

CASES DECIDED BY THE COURTS SINCE OCTOBER 31, 1923

SUPREME COURT OF THE UNITED STATES

Edward Hines Yellow Pine Trustees, appellant, v. *The United States of America, Interstate Commerce Commission, et al., appellees.*

Suit in equity to set aside an order of the commission requiring certain carriers to cancel a penalty charge of $10 per car per day after 48 hours exacted by them, in addition to the regular demurrage charge, on cars used in transporting lumber while being held for reconsignment at intermediate points. 66 I. C. C. 393.

On June 15, 1922, the lower court entered a decree dismissing the bill, and on November 12, 1923, the decree was affirmed by the Supreme Court.

United States, Interstate Commerce Commission, et al., appellants, v. *Illinois Central Railroad Co. et al., appellees.*

Suit in equity to set aside an order of the commission requiring Illinois Central Railroad Co., Fernwood & Gulf Railroad Co., and certain other carriers to remove undue prejudice found to exist in rates for the transportation of yellow pine lumber, timber, and lumber products, in carloads, shipped from Knoxo, Miss., to the Ohio River crossings, to destinations in Wisconsin, Minnesota, Iowa, and Missouri, to destinations in central and eastern trunk-line territories, and to destinations in Tennessee and Kentucky. 61 I. C. C. 485.

On August 19, 1921, the injunction asked for was issued, and on January 7, 1924, the decree of the lower court was reversed and the order of the commission sustained.

Wyoming Railway Co., appellant, v. *The United States and Interstate Commerce Commission, appellees.*

Suit in equity to set aside an order of the commission requiring Wyoming Railway Co. and certain other carriers to remove undue prejudice found to exist in rates for the transportation of lumber and lumber products, in carloads, from points in Idaho, Montana, and Washington, to Ucross and Buffalo, Wyo. 64 I. C. C. 485.

On January 21, 1922, the injunction asked for was denied and the petition was dismissed, and on January 7, 1924, the decree of the lower court was affirmed and the order of the commission sustained.

Dayton-Goose Creek Railway Co. v. *The United States of America, Interstate Commerce Commission, et al.*

Suit in equity to set aside orders of the commission, dated January 16, 1922, and March 16, 1922, requiring carriers to make to the commission reports concerning excess earnings for certain months in 1920 and for the year 1921.

On March 5, 1923, the injunction asked for was denied and the bill dismissed, and on January 7, 1924, the decree of the lower court was affirmed and the orders of the commission sustained.

Peoria & Pekin Union Railway Co., appellant, v. *The United States of America, Interstate Commerce Commission, et al., appellees.*

Suit in equity to set aside Service Order No. 37 of the commission, commanding the Peoria & Pekin Union to continue to interchange traffic with, and allow the use of its rails to, the Minneapolis & St. Louis, pending a determination of the controversy.

On February 19, 1923, the injunction asked for was denied, and on January 7, 1924, the decree of the lower court was reversed.

The United States of America, Interstate Commerce Commission, et al., appellants, v. *The New York Central Railroad Co. et al., appellees.*

Suit in equity to set aside an order of the commission, dated March 6, 1923, relating to interchangeable scrip coupon tickets. 77 I. C. C. 200.

On April 23, 1923, the injunction asked for was granted, and on January 21, 1924, the decree of the lower court was affirmed.

United States of America at the relation of the St. Louis Southwestern Railway Co., plaintiffs in error, v. *Interstate Commerce Commission, George B. McGinty, et al., defendants in error.*

Petition for writ of mandamus to compel the commission to permit the carrier to examine records and data of the Bureau of Valuation, and to issue subpœnas duces tecum to certain officials of the bureau.

On June 4, 1923, the judgment of the lower court granting the commission's motion to dismiss was affirmed by the Court of Appeals of the District of Columbia, and on February 18, 1924, the judgment of the latter court was affirmed by the Supreme Court.

The Baltimore & Ohio Railroad Co. et al., appellants, v. *United States of America, Interstate Commerce Commission, The New York Central Railroad Co., et al., appellees.*

Suit in equity to set aside an order of the commission granting permission to the New York Central Railroad Co. to purchase the stock of Chicago River & Indiana Railroad Co., and granting to the latter permission to lease the properties of the Chicago Junction Railway Co. 71 I. C. C. 631.

On June 27, 1923, the injunction asked for was denied, motions of certain defendants to dismiss sustained, and bill dismissed. On March 3, 1924, the decree of the lower court was reversed in so far as it sustained the motions to dismiss, and on April 8, 1924, the case was remanded to the lower court for further proceedings.

The United States and Interstate Commerce Commission, appellants, v. *Abilene & Southern Railway Co., The Atchison, Topeka & Santa Fe Railway Co., et al., appellees.*

Suit in equity to set aside the order of the commission requiring increases in divisions of joint rates paid to the Kansas City, Mexico & Orient Railroad Co. and the Kansas City, Mexico & Orient Railway Co. of Texas. 73 I. C. C. 319.

On October 2, 1922, the restraining order asked for was granted, and on March 16, 1923, a permanent injunction was entered. On May 26, 1924, the decree of the lower court was affirmed.

The United States ex rel. Chicago, New York & Boston Refrigerator Co., plaintiff in error, v. *Interstate Commerce Commission, defendant in error.*

Proceeding in mandamus to compel the commission to ascertain and certify to the Secretary of the Treasury amounts alleged to be necessary to make good to relator the guaranty contained in section 209 of the transportation act of 1920.

On April 3, 1923, the judgment of the lower court denying the writ prayed for was affirmed by the Court of Appeals of the District of Columbia, and on May 26, 1924, the judgment of the latter court was affirmed by the Supreme Court.

The United States of America and Interstate Commerce Commission, appellants, v. *The New River Co., White Oak Fuel Co., Stuart Colliery Co., et al., appellees.*

Suit in equity to annul and set aside the carriers' rule 4 of Circular CS–31, revised, relating to the distribution of cars among coal mines in time of car shortage, and the commission's order of December 11, 1922, dismissing the complaints in *Bell & Zoller Coal Co. et. al.* v. *B. & O. R. R. Co. et al.* Dockets Nos. 12362, 12399, and 12081 to 12084, inclusive. 74 I. C. C. 433.

On February 8, 1923, the restraining order asked for was granted, and on August 10, 1923, a permanent injunction was entered. On June 9, 1924, the decree of the lower court was reversed and the order of the commission sustained. On June 19, 1924, a motion for reargument was filed by appellees, and on October 13, 1924, the motion was denied.

The United States of America, Interstate Commerce Commission, et al., appellants, v. *American Railway Express Co., et al., appellees.*

Suit in equity to annul and set aside the commission's order of July 9, 1923, in Dockets Nos. 12784 and 12786, requiring American Railway Express Co. and Southeastern Express Co. to establish through routes and joint rates applicable thereto, with transfer at Washington, D. C., and permit shippers to designate routing in connection with transportation of express shipments from northern and northeastern points to southeastern points. 78 I. C. C. 126.

On October 10, 1923, the injunction asked for was granted, and on June 2, 1924, the decree of the lower court was reversed and the order of the commission sustained.

DISTRICT COURTS OF THE UNITED STATES

The Pittsburgh & West Virginia Railway Co. and James C. Davis, Director General of Railroads, as agent, petitioners, v. *The United States of America, et al., respondents.* Western District of Pennsylvania.

Suit in equity to annul and set aside commission's order of March 5, 1923, awarding reparation to certain complainants on account of undue prejudice found to exist in the distribution of coal cars by the Pittsburgh & West Virginia and Director General.

On February 9, 1924, the injunction asked for was denied and the bill was dismissed for want of equity.

Laclede-Christy Clay Products Co. et al., plaintiffs, v. *The United States of America, et al., defendants, and Interstate Commerce Commission, intervening defendant.* Northern District of Illinois, Eastern Division.

Suit in equity to set aside commission's order of February 5, 1924, in Docket No. 14249, requiring the removal of undue prejudice found to exist between rates on brick to Chicago and points taking Chicago rates from Ottawa, Ill., on the one hand and rates to the same destination from the St. Louis district on the other hand. 87 I. C. C. 523.

On May 16, 1924, the restraining order and temporary injunction asked for were denied.

Pending final decree.

Chicago, Indianapolis & Louisville Railway Co. et al., petitioners, v. *United States of America, respondent, and Interstate Commerce Commission, intervening respondent.* District of Indiana.

Suit in equity to annul and set aside the commission's order of April 2, 1924, in Docket No. 13205, requiring the removal of unjust discrimination and undue prejudice found to result from the refusal of the petitioners to switch interstate carload traffic moving over the line of the Chicago, Lake Shore & South Bend Railway Co., called the South Shore, to and from Michigan City, Ind., and from the failure and refusal of the petitioners to enter into arrangements for the performance of reciprocal switching of interstate carload traffic in connection with the South Shore at Michigan City, while contemporaneously participating in such arrangements with each other at that point. 88 I. C. C. 525.

On July 8, 1924, the interlocutory injunction asked for was denied and an appeal was taken to the Supreme Court.

The State of Colorado, plaintiff, v. *United States of America, The Interstate Commerce Commission, et al., defendants.* District of Colorado.

Suit in equity to enjoin and set aside the commission's certificate and order of February 11, 1924, in Finance Docket No. 1572, in so far as it authorizes abandonment in intrastate commerce of a line of railroad of the Colorado & Southern Railway Co. 86 I. C. C. 393.

On August 19, 1924, the preliminary and permanent injunctions asked for and motion for stay of commission's order pending appeal were denied and petition dismissed.

Pending further proceedings.

Western Paper Maker's Chemical Co. and Tanglefoot Co., plaintiffs, v. *United States of America and Interstate Commerce Commission, defendants.* Western District of Michigan, Southern Division.

Suit in equity to enjoin and set aside the commission's orders of March 5, 1924, and June 18, 1924, in the *Naval Stores case,* I. & S. No. 1900, in so far as they relate to rates on rosin from points south of the Ohio River to Kalamazoo and Grand Rapids, Mich. 87 I. C. C. 740 and 89 I. C. C. 634.

On October 28, 1924, the injunction asked for was denied.

COURT OF APPEALS OF THE DISTRICT OF COLUMBIA

The Pittsburgh & West Virginia Railway Co. and West Side Belt Railroad Co., appellants, v. *Interstate Commerce Commission and Harry M. Daugherty, Attorney General of the United States, appellees.*

Suit in equity to enjoin the commission and the Attorney General from enforcing penalties provided for in section 20a, and to enjoin the commission from refusing to authorize the issuance of stock and the assumption of obligations as requested by the Pittsburgh & West Virginia.

On April 20, 1923, the motion of the commission to dismiss was granted by the Supreme Court of the District of Columbia, and on December 3, 1923, the Court of Appeals affirmed the decree of the lower court. On December 12, 1923, the case was appealed to the Supreme Court of the United States.

SUPREME COURT OF THE DISTRICT OF COLUMBIA

United States of America, at the relation of the Kansas City Southern Railway Co. et al., relators, v. *Interstate Commerce Commission, respondent.*

Petition for writ of mandamus to compel the commission to fix an exchange value of the properties contained in the Kansas City Southern System and to otherwise change its final report in the *Kansas City Southern Valuation case.*

On October 21, 1924, the Commission's motion to dismiss was granted and an appeal was noted to the Court of Appeals of the District of Columbia.

CASES PENDING IN THE COURTS OCTOBER 31, 1924

SUPREME COURT OF THE UNITED STATES

The United States of America, Interstate Commerce Commission, and Pennsylvania-Ohio Power & Light Co., appellants, v. *The Village of Hubbard, Ohio, appellees.*

Suit in equity to set aside an order of the commission requiring increases in certain intrastate passenger fares in the State of Ohio. 64 I. C. C. 493.

On March 13, 1922, the injunction asked for was issued, and on February 23, 1923, an appeal was taken to the Supreme Court. On April 22, 1924, the case was argued and submitted for decision but on June 9, 1924, was restored to the docket and assigned for reargument on November 10, 1924. On October 6, 1924, the date for reargument was postponed to November 17, 1924.

The United States of America, the Steubenville, East Liverpool & Beaver Valley Traction Co., and Interstate Commerce Commission, appellants, v. *The City of Wellsville, Ohio, appellee.*

Suit in equity to set aside an order of the commission requiring increases in certain intrastate passenger fares in the State of Ohio. 64 I.C. C. 517.

On March 13, 1922, the injunction asked for was issued, and on February 23, 1923, an appeal was taken to the Supreme Court. On April 22, 1924, the case was argued and submitted for decision but on June 9, 1924, was restored to the docket and assigned for reargument on November 10, 1924. On October 6, 1924, the date for reargument was postponed to November 17, 1924.

The United States and Interstate Commerce Commission, appellants, v. *The Pennsylvania Railroad Co., appellee.*

Suit in equity to set aside the order of the commission requiring the removal of the undue prejudice found to be caused by the practice of the Pennsylvania Railroad and the Western Maryland Railway in extending, each to the other, the use of their tracks to effect terminal receipt and delivery of carload freight on their lines at industries within a limited zone in York, Pa., while denying such use to industries in York on said lines outside the zone. 73 I. C. C. 40.

On March 8, 1923, the injunction asked for was issued, and on May 19, 1923, the case was appealed to the Supreme Court. On October 13–14, 1924, the case was argued and submitted for decision.

The Pittsburgh & West Virginia Railway Co. and West Side Belt Railroad Co., appellants, v. *Interstate Commerce Commission and Harry M. Daugherty, Attorney General of the United States, appellees.*

Suit in equity to enjoin the commission and the Attorney General from enforcing penalties provided for in section 20a, and to enjoin the commission from refusing to authorize the issuance of stock and the assumption of obligations as requested by the Pittsburgh & West Virginia.

On April 20, 1923, the motion of the commission to dismiss was granted by the Supreme Court of the District of Columbia, and on December 3, 1923, the Court of Appeals of the District of Columbia affirmed the decree of the lower court. On December 12, 1923, the case was appealed to the Supreme Court of the United States.

The Delaware & Hudson Co., et al., appellants, v. *United States of America and Interstate Commerce Commission, appellees.*

Suit in equity to annul and set aside the commission's order of March 28, 1923, in Valuation Docket No. 328, declaring tentative valuations of the properties of the Delaware & Hudson and other carriers included in the Delaware & Hudson system, and to prevent the entry of any order declaring a final valuation based on the tentative valuation.

On July 16, 1923, the injunction asked for was denied and on November 8, 1923, an appeal was taken to the Supreme Court. On March 17, 1924, the case was advanced and assigned for hearing on November 10, 1924. On October 6, 1924, the date for argument was postponed to November 17, 1924.

DISTRICT COURTS OF THE UNITED STATES

Eastern Texas Railroad Co. et al., plaintiffs, v. *Railroad Commission of Texas, et al., defendants.* Western District of Texas.

Suit in equity to enjoin prosecution by Railroad Commission of Texas and others of suits based upon charging by carriers of rates published in compliance with an order entered by the Interstate Commerce Commission in the *Shreveport case.* United States and Interstate Commerce Commission made parties to suit by amended answer in the nature of a cross bill filed by Railroad Commission of Texas. 41 I. C. C. 83.

Application of the Texas commission for an injunction against order of Interstate Commerce Commission denied; application of carriers for injunction to restrain Texas commission from interfering with carriers' compliance with order of Interstate Commerce Commission granted.

State of Nebraska, plaintiff, v. *United States of America, Walker D. Hines, Director General of Railroads of the United States, et al., defendants, and the Interstate Commerce Commission, intervening defendant.* Western District of Missouri.

Suit in equity to set aside an order of the commission, in the case of *South St. Joseph Live Stock Exchange* v. *Chicago, Burlington & Quincy Railroad Co., and the Director General of Railroads,* and the case of *Kansas City Live Stock Exchange* v. *the same defendants,* requiring the removal of a discrimination which resulted from the granting of free return transportation to caretakers accompanying intrastate shipments of livestock from points on the Chicago, Burlington & Quincy Railroad in Nebraska to Omaha, Nebr., while refusing to grant such transportation in connection with interstate shipments of live stock from the same points of origin to St. Joseph and Kansas City, Mo. 53 I. C. C. 114.

On October 24, 1919, the commission filed its answer and motion to dismiss.

Frank W. Shealy et al., as Railroad Commissioners of South Carolina, petitioners, v. *The United States of America, Atlantic Coast Line Railroad Co., et al., defendants, and Interstate Commerce Commission, intervening defendant.* Eastern District of South Carolina.

Suit in equity to set aside an order of the commission requiring increases in certain intrastate rates, fares, and charges in the State of South Carolina. 60 I. C. C. 290.

On March 16, 1921, the injunction asked for was denied.

Pending further action.

The State of Iowa et al., plaintiffs, v. *The United States, Interstate Commerce Commission, et al., defendants.* Southern District of Iowa, Central Division.

Suit in equity to set aside an order of the commission in Docket No. 11761, requiring increases in certain intrastate fares and charges in the State of Iowa. 60 I. C. C. 55.

Pending hearing.

Pittsburgh & Shawmut Coal Co., Title Guarantee & Trust Co., and J. J. Jermyn, complainants, v. *The Delaware & Northern Railroad Co., defendant.* Northern District of New York.

Petition and order to show cause why the receivers of the property of the Delaware & Northern should not be permitted to abandon the operation of the property of that company for common carrier purposes, and to sell the property and distribute the proceeds of the sale to creditors and stockholders.

On May 17, 1923, the application was denied.

Pending further action.

Birmingham Southern Railroad Co., petitioner, v. *The United States of America, Interstate Commerce Commission, et al., defendants.* Northern District of Alabama, Southern Division.

Suit in equity to set aside an order of the commission requiring certain carriers, on or before July 14, 1921, to establish rules for the adjustment of charges for the use and detention of cars which shall conform with those found reasonable by the commission. 61 I. C. C. 551.

On July 13, 1921, the injunction asked for was denied.

Pending final hearing.

The State of North Dakota ex rel. William Lemke, Attorney General, plaintiff, v. *United States of America, Interstate Commerce Commission, Chicago & North Western Railway Co., et al., defendants.* District of North Dakota, Southeastern Division.

Suit in equity to set aside an order of the commission in Ex Parte 74, in so far as it relates to surcharges upon passengers riding in Pullman and in parlor cars in interstate commerce in North Dakota. 58 I. C. C. 220.

Pending hearing.

The Baltimore & Ohio Railroad Co. et al., plaintiffs, v. *United States of America, The New York Central Railroad Co. et al., defendants, and Interstate Commecre Commission, intervening defendant.* Northern District of Illinois, Eastern Division.

Suit in equity to set aside an order of the commission granting permission to the New York Central Railroad Co. to purchase the stock of Chicago River & Indiana Railroad Co., and granting to the latter permission to lease the properties of the Chicago Junction Railway Co. 71 I. C. C. 631.

On June 27, 1923, the injunction asked for was denied, motions of certain defendants to dismiss sustained, and bill dismissed. On March 3, 1924, the decree of the lower court was reversed in so far as it sustained the motions to dismiss, and on April 8, 1924, the case was remanded to the lower court for further proceedings.

Los Angeles & Salt Lake Railroad Co., petitioner, v. *The United States of America, defendant, and Interstate Commerce Commission, intervening defendant.* Southern District of California, Southern Division.

Suit in equity to set aside an order of the commission, dated June 7, 1923, in Valuation Docket No. 26, *San Pedro, Los Angeles & Salt Lake Railroad Co.* 75 I. C. C. 463.

On December 27, 1923, the petition was filed.

Set for hearing January 5, 1925.

Laclede-Christy Clay Products Co. et al., plaintiffs, v. *The United States of America et al., defendants, and Interstate Commerce Commission, intervening defendant.* Northern District of Illinois, Eastern Division.

Suit in equity to set aside commission's order of February 5, 1924, in Docket No. 14249, requiring the removal of undue prejudice found to exist between rates on brick to Chicago and points taking Chicago rates from Ottawa, Ill., on the one hand, and rates to the same destination from the St. Louis district, on the other hand. 87 I. C. C. 523.

On May 16, 1924, the restraining order and temporary injunction asked for were denied.

Pending final decree.

State of Texas v. *United States and New Orleans, Texas & Mexico Railway Co.* Eastern District of Louisiana.

Suit in equity to annul and set aside the commission's order of June 12, 1924, in Finance Docket No. 3478, conditionally authorizing the New Orleans, Texas & Mexico Railway Co. to acquire control of the International-Great Northern Railroad Co. by purchase of its capital stock. 90 I. C. C. 262.

On June 19, 1924, the petition was filed.

Pending hearing.

Chicago, Indianapolis & Louisville Railway Co. et al., petitioners, v. *United States of America, respondent, and Interstate Commerce Commission, intervening respondent.* District of Indiana.

Suit in equity to annul and set aside the commission's order of April 2, 1924, in Docket No. 13205, requiring the removal of unjust discrimination and undue prejudice found to result from the refusal of the petitioners to switch interstate carload traffic moving over the line of the Chicago, Lake Shore & South Bend Railway Co., called the South Shore, to and from Michigan City, Ind., and from the failure and refusal of the petitioners to enter into arrangements for the performance of reciprocal switching of interstate carload traffic in connection with the South Shore at Michigan City, while contemporaneously participating in such arrangements with each other at that point. 88 I. C. C. 525.

On July 8, 1924, the interlocutory injunction asked for was denied and an appeal was taken to the Supreme Court.

The State of Colorado, plaintiff, v. *United States of America, Interstate Commerce Commission, et al., defendants.* District of Colorado.

Suit in equity to enjoin and set aside the commission's certificate and order of February 11, 1924, in Finance Docket No. 1572, in so far as it authorizes abandonment in intrastate commerce of a line of railroad of the Colorado & Southern Railway Co. 86 I. C. C. 393.

On August 19, 1924, the preliminary and permanent injunctions asked for and motion for stay of commission's order pending appeal were denied and petition dismissed.

Pending further proceedings.

Western Paper Makers' Chemical Co. and Tanglefoot Co., plaintiffs, v. *United States of America and Interstate Commerce Commission, defendants.* Western District of Michigan, Southern Division.

Suit in equity to enjoin and set aside the commission's orders of March 5, 1924, and June 18, 1924, in the *Naval Stores case*, I. & S. No. 1900, in so far as they relate to rates on rosin from points south of the Ohio River to Kalamazoo and Grand Rapids, Mich. 87 I. C. C. 740 and 89 I. C. C. 634.

On October 28, 1924, the injunction asked for was denied.

Home Furniture Co. plaintiff, v. *The United States of America, Interstate Commerce Commission, et al., defendants.* Western District of Texas.

Suit in equity to set aside the commission's order of September 30, 1924, in Finance Docket No. 4164, authorizing the Southern Pacific to obtain control of the El Paso and Southwestern System by purchase of stock and bonds and through leases. 90 I. C. C. 732.

On October 23, 1924, the petition was filed, and on October 27, 1924, the U. S. District Judge at El Paso, Texas, upon ground that court was without jurisdiction, declined to call two other judges to his assistance to hear the petition, as provided for by the Act of October 22, 1913.

SUPREME COURT OF THE DISTRICT OF COLUMBIA

United States of America, at the relation of the Kansas City Southern Railway Co. et al., relators, v. *Interstate Commerce Commission, respondent.*

Petition for writ of mandamus to compel the commission to fix an exchange value of the properties contained in the Kansas City Southern System and to otherwise change its final report in the *Kansas City Southern Valuation case.*

On October 21, 1924, the commission's motion to dismiss was granted and an appeal was noted to the Court of Appeals of the District of Columbia.

The United States of America, ex rel. Abilene and Southern Railway Co., petitioner, v. *Interstate Commerce Commission, respondent.*

Petition for writ of mandamus to compel the commission to ascertain the amount of the carrier's deficit for the first six months of 1918, and to certify to the Secretary of the Treasury that the amount is payable to the carrier under Section 204 of the Transportation Act, 1920.

On October 1, 1924, the petition was filed, and on October 21, 1924, the answer of the commission was filed.

United States, ex rel. Cripple Creek and Colorado Springs Railroad Co., a Corporation, v. *Interstate Commerce Commission.*

Petition for writ of mandamus to compel the Commission to ascertain the amount of the carrier's deficit from June 30, 1918, to July 14, 1919, inclusive, and to certify to the Secretary of the Treasury that the amount is payable to the carrier under Section 204 of the Transportation Act, 1920.

On October 14, 1924, the petition was filed, and on October 30, 1924, the answer of the commission was filed.

APPENDIX C

STATISTICAL SUMMARIES

A. STATISTICS OF RAILWAY DEVELOPMENT SINCE 1908

In the following tables slight adjustments have been made in some of the figures heretofore published, in order to allow as fully as possible for changes in methods of compilation.

TABLE I.—*Mileage operated and mileage owned by steam roads in the United States, not including switching and terminal companies, 1908–1923*

Year ended—	Miles of road owned in the United States [1]	Mileage operated by roads of Classes I, II, and III (including trackage rights)			
		Miles of road	Miles of second or additional main tracks	Miles of yard track and sidings	Miles of all tracks
June 30:					
1908	233,468	230,494	23,699	79,453	333,646
1909	236,834	235,402	24,573	82,377	342,352
1910	240,293	240,831	25,354	85,582	351,767
1911	243,979	246,238	27,612	88,974	362,824
1912	246,777	249,852	29,367	92,019	371,238
1913	249,777	253,470	30,827	95,211	379,508
1914	252,105	256,547	32,376	98,285	387,208
1915	253,789	257,569	33,662	99,910	391,141
1916	254,251	259,211	33,864	101,869	394,944
Dec. 31:					
1916	254,037	259,705	34,325	102,984	397,014
1917	253,626	259,705	35,066	105,582	400,353
1918	253,529	258,507	36,228	107,608	402,343
1919	253,152	258,525	36,730	108,637	403,892
1920	252,845	259,941	36,894	109,744	406,579
1921	251,176	258,362	37,614	[2] 111,555	407,531
1922	250,413	257,425	37,888	[3] 114,046	409,359
1923	250,183	258,314	38,692	[4] 116,186	413,192

[1] Includes mileage of some small companies that do not make annual reports to the commission.
[2] Includes 12,939 miles of industrial tracks.
[3] Includes 20,939 miles of industrial tracks.
[4] Includes 22,388 miles of industrial tracks

TABLE II.—*Equipment of steam roads in service at the close of each year, 1908–1923*[1]

Year ended—	Number of locomotives	Average tractive power	Number of freight cars (excluding caboose)	Average capacity	Number of passenger-train cars
June 30:		*Pounds*		*Tons*	
1908	57,698	26,356	2,100,784	34.9	45,292
1909	58,219	26,601	2,086,835	35.3	45,664
1910	60,019	27,282	2,148,478	35.9	47,179
1911	62,463	28,291	2,208,997	36.9	49,906
1912	63,463	29,049	2,229,163	37.4	51,583
1913	65,597	30,258	2,298,478	38.3	52,717
1914	67,012	31,006	2,349,734	39.1	54,492
1915	66,502	31,501	2,341,567	39.7	55,810
1916	65,314	32,380	2,313,378	40.5	54,774
Dec. 31:					
1916	65,595	32,840	2,329,475	40.9	55,193
1917	66,070	33,932	2,379,472	41.5	55 939
1918	67,936	34,995	2,397,943	41.6	56,611
1919	68,977	35,789	2,426,889	41.9	56,290
1920	68,942	36,365	2,388,424	42.4	56,102
1921	69,122	36,935	2,378,510	42.5	56,950
1922	68,518	37,441	2,352,483	43.1	56,827
1923	68,990	38,835	2,380,482	43.7	57,166

[1] The figures relating to the number of locomotives and cars as published have been adjusted to cover all operating roads each year, but the figures showing average tractive power of locomotives and average capacity of freight cars are as published in the Statistics of Railways. The fact that the same classes of roads have not been covered each year affects these averages only slightly. Privately owned cars are not included.

TABLE III.—*Transportation service performed by steam roads, 1908–1923, excluding switching and terminal companies*

Year ended—	Freight service					Passenger service		
	Tons of freight originating	Number of ton-miles of revenue freight	Number of loaded freight-car miles	Average haul		Number of passengers carried	Number of passenger-miles	Average journey per passenger
				United States as a system	For the individual road			
June 30:		*Millions*	*Millions*	*Miles*	*Miles*	*Millions*	*Millions*	*Miles*
1908	869,797,510	218,382	11,128	253.94	143.83	890	29,083	32.86
1909	881,334,355	218,803	11,361	251.10	141.87	891	29,109	32.85
1910	1,026,491,782	255,017	12,851	249.68	138.31	972	32,338	33.50
1911	1,003,053,893	253,784	12,859	254.10	142.88	997	33,202	33.48
1912	1,031,206,606	264,081	13,081	256.87	143.44	1,004	33,132	33.18
1913	1,182,547,672	301,730	14,292	255.15	144.40	1,044	34,673	33.31
1914	1,129,992,223	288,637	13,688	255.43	144.17	1,063	35,357	33.25
1915	1,023,802,680	277,135	13,111	270.69	151.55	986	32,475	32.95
1916	1,262,862,624	343,477	15,343	271.98	152.25	1,015	34,309	33.79
Dec. 31:								
1916	1,317,245,556	366,174	16,042	277.98	155.99	1,049	35,220	33.58
1917	1,382,004,576	398,263	16,088	288.18	162.33	1,110	40,100	36.13
1918	1,376,844,812	408,778	15,163	296.89	165.02	1,123	43,212	38.48
1919	1,189,765,193	367,161	14,433	308.60	168.02	1,211	46,838	38.68
1920	1,362,999,293	413,699	15,489	303.52	170.41	1,270	47,370	37.30
1921	1,017,817,596	309,533	12,591	304.11	171.12	1,061	37,706	35.53
1922	1,111,822,446	342,188	14,077	307.77	173.29	990	35,811	36.19
1923	1,387,942,018	416,211	16,532	299.88	166.28	1,009	38,297	37.97

TABLE IV.—*Reported property investment and certain income items, 1908–1923: Operating steam roads, excluding switching and terminal companies*

Year ended—	Investment [1]	Investment per mile of road	Net railway operating income	Return on investment	Other income	Interest, rents, and other deductions [2]	Dividends declared
June 30:				*Per ct.*			
1908	$13,213,766,540	$61,778.80	$634,794,284	4.80	$246,419,662	$485,311,472	$329,062,261
1909	13,609,183,515	61,391.27	710,474,052	5.22	175,706,091	498,016,028	272,043,499
1910 [3]	14,557,816,099	64,382.45	805,097,141	5.53	222,914,561	511,416,980	351,202,272
1911	15,612,378,845	66,515.69	744,669,102	4.77	276,361,692	529,919,727	403,417,363
1912	16,004,744,966	67,397.82	727,458,036	4.55	221,591,272	549,229,407	347,354,133
1913	16,588,603,109	69,780,20	806,800,960	4.86	243,599,221	564,413,747	327,967,396
1914	17,153,785,568	72,078.91	674,189,999	3.93	246,186,804	576,486,952	380,339,400
1915	17,441,420,382	73,207.64	694,276,111	3.98	189,300,358	575,197,902	264,267,107
1916	17,689,425,438	73,794.82	1,002,934,791	5.67	195,457,547	594,378,443	286,618,168
Dec. 31:							
1916	17,842,776,668	74,465.53	1,058,505,501	5.93	213,324,109	623,179,643	311,876,409
1917	18,574,297,873	77,162.81	950,556,850	5.12	[4] 233,252,283	[4] 574,290,447	325,600,752
1918	18,984,756,478	78,820.34	646,223,098	3.40	[5]	[4] 667,587,844	279,929,286
1919	19,300,120,717	79,974.46	454,132,156	2.35	[5]	[4] 630,558,985	281,569,422
1920	19,849,319,946	81,954.15	12,100,759	.06	[5]	[4] 640,515,977	275,348,254
1921	20,329,223,603	84,530.49	601,138,916	2.96	[4] 375,000,544	[4] 662,375,138	403,990,775
1922	20,580,168,269	86,003.64	769,411,093	3.74	[4] 265,032,855	[4] 655,646,742	275,721,615
1923	21,385,094,369	89,453.44	974,920,858	4.56	[4] 270,297,880	[4] 667,615,629	353,055,305

[1] The figures shown include investment of leased lines. They are taken from the annual reports of carriers and do not include property investment of some proprietary companies which do not render annual reports, notably the proprietary roads in the Baltimore & Ohio system. They include some duplications in the Atchison, Topeka & Santa Fe system. If these facts were taken into account, the total shown for 1919, as compiled in a special statement, would be increased to approximately $19,565,646,081, not including the investment of swtiching and terminal companies, amounting to $502,135,624.

[2] These correspond approximately to what are commonly called "fixed charges."

[3] Investment for 1910 originally published is increased by $170,000,000, estimated reserve for accrued depreciation to make totals comparable with those for other years.

[4] Does not include returns for Class II and Class III companies.

[5] Reported figures not comparable with those for other years on account of Federal control accounting requirements.

TABLE V.—*Railway capital actually outstanding and net income, 1908–1923: Steam roads, excluding switching and terminal companies*

Year ended—	Total railway capital	Funded debt	Stock	Ratio of debt to capital	Net income	Ratio of net income to stock
June 30:				*Per cent*		*Per cent*
1908	$16, 198, 731, 489	$8, 897, 992, 216	$7, 300, 739, 273	54. 9	$443, 986, 915	6. 08
1909	16, 992, 530, 340	9, 380, 119, 114	7, 612, 411, 226	55. 2	441, 062, 743	5. 79
1910	17, 774, 426, 871	9, 763, 696, 861	8, 010, 730, 010	54. 9	583, 191, 124	7. 28
1911	18, 437, 820, 946	10, 074, 545, 054	8, 363, 275, 892	54. 6	547, 280, 771	6. 54
1912	18, 989, 345, 476	10, 436, 898, 200	8, 552, 447, 276	55. 0	453, 125, 324	5. 30
1913	19, 028, 535, 973	10, 428, 543, 119	8, 599, 992, 854	54. 8	544, 201, 074	6. 33
1914	19, 401, 083, 881	10, 746, 868, 639	8, 654, 215, 242	55. 4	395, 631, 642	4. 57
1915	19, 719, 893, 944	11, 084, 574, 576	8, 635, 319, 368	56. 2	354, 786, 729	4. 11
1916	19, 681, 193, 092	10, 938, 086, 453	8, 743, 106, 639	55. 6	671, 398, 243	7. 68
Dec. 31:						
1916	19, 630, 610, 082	10, 875, 206, 565	8, 755, 403, 517	55. 4	735, 341, 165	8. 40
1917	19, 764, 941, 991	10, 761, 145, 441	9, 003, 796, 550	54. 5	658, 224, 696	7. 31
1918	19, 453, 272, 003	10, 606, 556, 489	8, 846, 716, 514	54. 5	442, 336, 131	5. 00
1919	19, 539, 283, 350	10, 656, 158, 685	8, 883, 124, 665	54. 5	496, 609, 104	5. 59
1920	20, 098, 046, 374	11, 254, 946, 156	8, 843, 100, 218	56. 0	481, 950, 969	5. 45
1921	20, 247, 686, 960	11, 357, 766, 232	8, 889, 920, 728	56. 1	350, 539, 608	3. 94
1922	20, 463, 595, 243	11, 501, 958, 520	8, 961, 636, 723	56. 2	434, 459, 186	4. 85
1923	21, 100, 767, 824	11, 998, 311, 095	9, 102, 456, 729	56. 9	642, 242, 713	7. 06

TABLE VI.—*Dividends, 1908–1923: Steam roads, excluding switching and terminal companies*

Year ended—	Proportion of stock paying dividends [1]	Amount of dividends [1]	Average rate on—	
			Dividend-paying stock [1]	All stock [1]
June 30:	*Per cent*		*Per cent*	*Per cent*
1908	65. 69	$390, 695, 351	8. 07	5. 30
1909	64. 01	321, 071, 626	6. 53	4. 18
1910	66. 71	405, 771, 416	7. 50	5. 00
1911	67. 65	460, 195, 376	8. 03	5. 42
1912	64. 73	400, 315, 313	7. 17	4. 64
1913	66. 14	369, 077, 546	6. 37	4. 22
1914	64. 39	451, 653, 346	7. 97	5. 13
1915	60. 45	328, 477, 938	6. 29	3. 80
1916	60. 38	342, 109, 396	6. 48	3. 91
Dec. 31:				
1916	62. 02	366, 561, 494	6. 75	4. 19
1917	62. 32	381, 851, 548	6. 81	4. 24
1918	58. 09	339, 185, 658	6. 60	3. 83
1919	59. 64	335, 241, 935	6. 33	3. 77
1920	57. 30	331, 102, 938	6. 52	3. 74
1921	56. 92	456, 482, 092	9. 02	5. 13
1922	59. 38	338, 805, 695	6. 37	3. 78
1923	62. 04	411, 856, 110	7. 29	4. 52

[1] Includes figures for lessors and operating roads without excluding duplicates.

TABLE VII.—*Carload, trainload, and density of traffic, 1908–1923*

Year ended—	Tons per loaded freight car	Tons per freight train [1]	Passengers per car	Passengers per train	Ton-miles per mile of road	Passenger-miles per mile of road
June 30:						
1908 [2]	19. 62	352	16	54	974, 654	130, 073
1909 [2]	19. 26	363	15	54	953, 986	127, 299
1910 [2]	19. 84	380	16	56	1, 071, 086	138, 169
1911 [2]	19. 74	383	16	55	1, 053, 566	139, 191
1912 [2]	20. 18	407	15	53	1, 078, 580	136, 699
1913 [3]	21. 11	445	15	55	1, 245, 158	143, 067
1914 [3]	21. 09	452	15	56	1, 176, 923	144, 278
1915 [3]	21. 15	474	15	53	1, 121, 059	131, 165
1916 [3]	22. 40	535	15	55	1, 380, 349	137, 818
Dec. 31:						
1916 [3]	22. 83	550	15	56	1, 470, 274	141, 305
1916 [4]	22. 84	560	16	57	1, 569, 084	149, 795
1917 [4]	24. 77	597	17	65	1, 698, 825	170, 088
1918 [4]	26. 99	628	20	76	1, 738, 305	183, 066
1919 [4]	25. 46	631	21	82	1, 558, 081	198, 345
1920 [4]	26. 72	647	20	80	1, 748, 451	199, 708
1921 [4]	24. 60	579	16	67	1, 308, 938	159, 551
1922 [4]	24. 31	611	16	65	1, 444, 840	151, 410
1923 [4]	25. 17	644	16	67	1, 754, 901	161, 392

[1] Does not include nonrevenue tonnage.
[2] Class I, Class II, and Class III roads.
[3] Class I and Class II roads.
[4] Class I roads only.

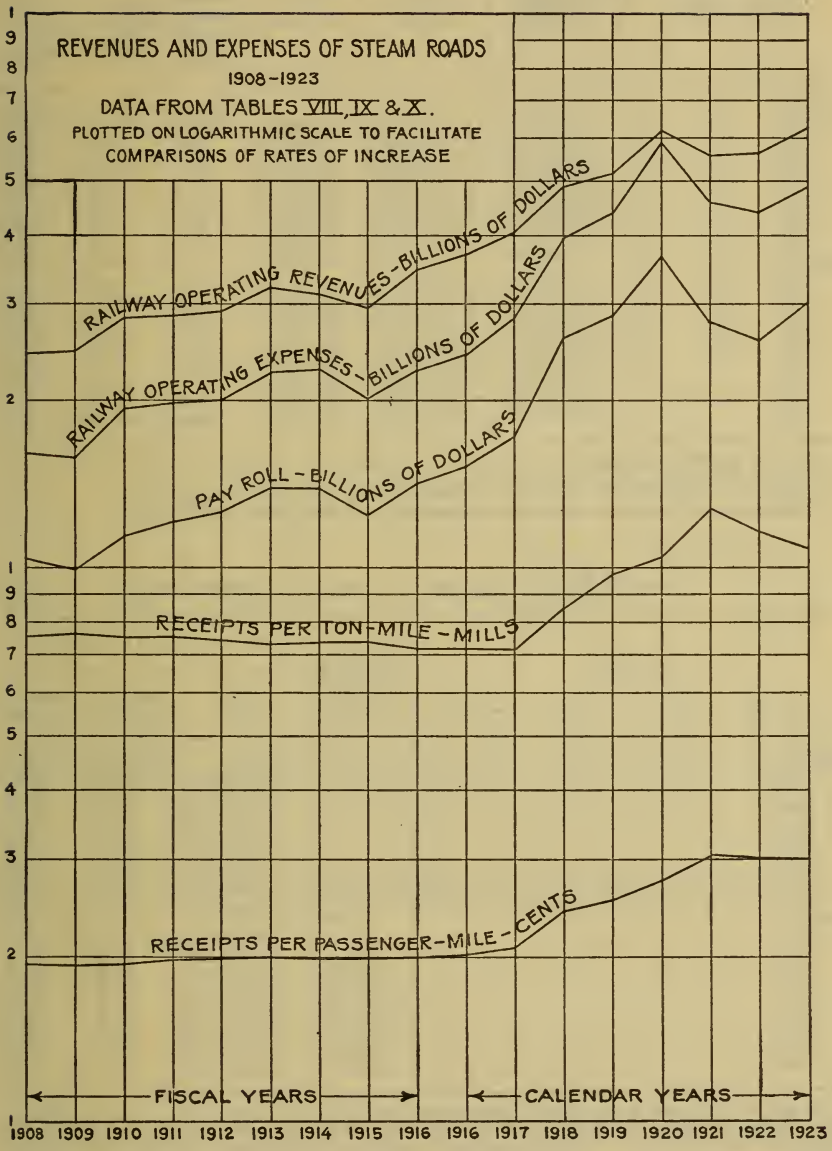
REVENUES AND EXPENSES OF STEAM ROADS
1908-1923
DATA FROM TABLES VIII, IX & X.
PLOTTED ON LOGARITHMIC SCALE TO FACILITATE COMPARISONS OF RATES OF INCREASE
RAILWAY OPERATING REVENUES - BILLIONS OF DOLLARS
RAILWAY OPERATING EXPENSES - BILLIONS OF DOLLARS
PAY ROLL - BILLIONS OF DOLLARS
RECEIPTS PER TON-MILE - MILLS
RECEIPTS PER PASSENGER-MILE - CENTS
FISCAL YEARS
CALENDAR YEARS
1908 1909 1910 1911 1912 1913 1914 1915 1916 1916 1917 1918 1919 1920 1921 1922 1923

TABLE VIII.—*Operating revenues, operating expenses, and taxes, 1908–1923*

Year ended—	Railway operating revenues	Railway operating expenses	Railway tax accruals	Ratio to revenues		
				Maintenance of way and structures	Maintenance of equipment	Total operating expenses
June 30:				*Per cent*	*Per cent*	*Per cent*
1908 [1]	$2,440,638,832	$1,710,401,791	$84,599,992	13.50	15.09	70.08
1909 [1]	2,473,205,301	1,650,034,204	90,558,316	12.47	14.71	66.72
1910 [1]	2,812,141,575	1,881,879,118	103,853,576	13.10	14.69	66.92
1911 [1]	2,852,854,721	1,976,331,864	108,309,512	12.83	15.02	69.28
1912 [1]	2,906,415,869	2,035,057,529	120,091,534	12.64	15.50	70.02
1913 [1]	3,208,647,370	2,249,277,937	128,024,867	13.25	16.00	70.10
1914 [1]	3,126,520,234	2,279,408,486	141,225,691	13.55	17.09	72.91
1915 [1]	2,956,193,202	2,088,682,956	139,298,167	12.91	17.25	70.65
1916 [1]	3,472,641,941	2,277,202,278	151,599,841	12.14	16.42	65.58
Dec. 31:						
1916 [1]	3,691,065,217	2,426,250,521	163,450,852	11.90	16.50	65.73
1917 [1]	4,115,413,057	2,906,283,165	220,586,491	11.03	17.11	70.62
1917 [2]	4,014,142,748	2,829,325,124	215,861,346	11.01	17.08	70.48
1918 [2]	[3] 4,880,202,255	[4] 3,971,870,043	224,599,115	13.31	22.55	81.39
1919 [2]	[3] 5,144,466,361	[4] 4,378,285,227	233,716,608	15.00	23.79	85.11
1920 [2]	6,178,120,978	5,830,620,492	283,813,929	16.71	25.74	94.38
1921 [2]	5,516,598,242	4,562,668,302	277,899,481	13.71	22.69	82.71
1922 [2]	5,559,092,708	4,414,522,334	302,195,425	13.11	22.53	79.41
1923 [2]	6,289,580,027	4,895,166,819	333,050,268	12.94	23.29	77.83

[1] Roads of Classes I, II, and III.
[2] Class I roads only.
[3] Excludes corporate revenues of companies whose properties were under Federal control.
[4] Excludes corporate expenses of companies whose properties were under Federal control.

TABLE IX.—*Number and compensation of employees*

Year ended—	Average number of employees during year	Compensation paid to employees [1]		
		Total	Ratio to revenues	Ratio to expenses
June 30:			*Per cent*	*Per cent*
1908 [2]		$1,035,437,528	42.42	60.54
1909 [2]		988,323,694	39.96	59.90
1910 [2]		1,143,725,306	40.67	60.78
1911 [2]		1,208,466,470	42.36	61.15
1912 [2]		1,252,347,697	43.00	61.54
1913 [2]		1,381,334,368	43.05	61.41
1914 [2]		1,381,117,292	44.17	60.59
1915 [2]		1,242,319,254	42.02	59.48
1916 [2]		1,403,968,437	40.43	61.65
Dec. 31:				
1916 [2]		1,506,960,995	40.83	62.11
1917 [2]		1,783,214,071	43.33	61.36
1917 [3]	1,732,876	1,739,432,142	43.33	61.48
1918 [3]	[4] 1,837,663	[4] 2,606,284,245	53.40	65.62
1919 [3]	[4] 1,908,169	[4] 2,828,014,440	54.97	64.59
1920 [3]	2,022,832	3,681,801,193	59.59	62.15
1921 [3]	1,659,513	2,765,218,079	50.13	60.61
1922 [3]	1,626,834	2,640,817,005	47.50	59.82
1923 [3]	1,855,260	3,004,083,599	47.76	61.37

[1] In 1921, 93.65 per cent of the reported compensation was chargeable to operating expenses. In 1922 the corresponding percentage was 93.47; in 1923, 92.72 per cent. What part of the totals for earlier years was so chargeable is not known. The percentages shown, however, do not lose their comparative value on this account.
[2] Roads of Classes I, II, and III, excluding switching and terminal companies.
[3] Class I roads only, excluding switching and terminal companies.
[4] Data for 1918 and 1919 do not cover employees of corporate organizations whose properties were under Federal control.

TABLE X.—*Average receipts per ton, per ton-mile, per passenger, and per passenger-mile, 1908–1923*

Year ended—	Average amount received for each ton originated	Average receipts per ton per mile	Average receipts per passenger	Average receipts per passenger-mile
June 30:		*Cents*		*Cents*
1908	$1.903	0.754	$0.634	1.937
1909	1.903	.763	.631	1.928
1910	1.876	.753	.646	1.938
1911	1.920	.757	.658	1.974
1912	1.909	.744	.657	1.987
1913	1.869	[1] .729	[1] .672	[1] 2.008
1914	1.881	.737	.662	1.990
1915	1.991	.735	.656	1.991
1916	1.955	.719	.679	2.010
Dec. 31:				
1916	1.997	.719	.689	2.051
1917	2.096	.728	.758	2.097
1918	2.558	.862	.932	2.421
1919	3.047	.987	.985	2.548
1920	3.243	1.069	1.027	2.755
1921	3.934	1.294	1.099	3.093
1922	3.675	1.194	1.099	3.037
1923	3.395	1.132	1.149	3.026

[1] Class I and Class II roads.

TABLE XI.—*Fuel consumed by locomotives, and rails and ties laid, Class I steam roads, not including switching and terminal companies*

Year ended [1]—	Bituminous coal	Anthracite coal	Fuel oil	Total fuel [2]	Rails applied in replacement and betterment	Ties laid in previously constructed tracks	
						Cross ties	Switching and bridge ties
Dec. 31:	*Net tons*	*Net tons*	*Gallons*	*Net tons*	*Long tons*	*Number*	*Feet (B. M.)*
1917	133,421,457	5,293,301	1,804,889,338	150,230,647	2,046,575	79,070,201	208,526,311
1918	134,214,480	3,615,697	1,638,956,953	148,122,435	1,883,393	76,139,310	222,927,474
1919	119,692,067	2,981,959	1,586,061,174	132,620,935	2,335,300	80,903,216	248,440,195
1920	135,413,695	3,860,970	1,929,670,624	151,405,712	2,506,961	86,829,307	246,195,929
1921	107,910,146	2,643,724	1,661,443,618	121,006,242	2,588,313	86,521,556	256,287,730
1922	113,163,083	2,472,652	1,828,125,050	127,213,343	2,618,556	86,641,834	258,186,478
1923	131,491,561	2,614,576	2,334,365,782	148,921,714	3,140,606	84,442,200	278,810,078

[1] Data not compiled prior to 1917.

[2] In the statement of consumption of fuel by locomotives, 1 cord of hardwood is considered as equivalent to two-thirds of a ton of fuel; and 1 cord of softwood as equivalent to one-half of a ton of fuel. The ratio used in reducing fuel oil to tons of fuel is left to the experience of each road. Figures include data for cordwood; also a small amount of miscellaneous fuel.

B. SUMMARY OF STATISTICS FROM PERIODICAL REPORTS OF CARRIERS TO THE COMMISSION

TABLE A.—*Railway operating revenues, railway operating expenses, and net railway operating income, 1919–1924, Class I steam roads, including switching and terminal companies*

Item	1924	1923	1922	1921	1920	1919
Miles of road operated	236,165.42	235,671.32	235,591.98	235,234.82	234,708.98	234,571.20
RAILWAY OPERATING REVENUES						
January	$468,976,632	$502,541,899	$395,777,433	$470,388,976	[1] $500,839,203	$397,231,510
February	478,914,257	446,948,870	401,576,772	406,495,579	424,591,296	352,385,229
March	505,124,921	535,826,390	475,246,724	459,048,326	460,187,437	377,383,701
April	474,821,586	523,303,671	417,140,348	433,398,073	402,281,913	389,487,271
May	477,437,611	548,112,916	449,442,968	444,859,511	457,559,065	413,945,449
June	465,655,456	541,328,832	474,034,095	461,585,290	494,713,929	426,089,950
July	481,587,965	536,307,145	443,840,164	462,939,693	529,149,754	455,280,142
August	508,394,277	564,528,891	474,087,182	505,732,265	555,522,389	471,714,375
September	540,838,601	546,061,710	500,882,771	498,347,764	618,925,580	498,611,917
October		587,867,220	550,280,123	536,722,654	641,827,108	509,760,115
November		531,507,756	523,607,879	465,933,394	592,054,192	438,105,217
December		494,463,742	513,564,071	425,275,459	550,580,330	453,386,816
12 months		[2] 6,356,890,737	[2] 5,620,401,722	[2] 5,573,153,133	[2] 6,225,417,245	[2] 5,184,064,221
RAILWAY OPERATING EXPENSES						
January	$384,984,386	$408,977,516	$337,632,090	$442,196,328	$416,418,194	$361,144,665
February	374,699,927	376,006,623	324,571,547	384,645,882	416,458,368	325,147,641
March	390,273,909	417,926,988	361,163,179	400,111,187	420,450,441	347,877,435
April	377,692,312	404,148,050	336,425,035	375,696,712	400,419,462	344,770,607
May	381,402,122	421,389,901	355,508,552	379,865,276	437,829,758	355,691,811
June	364,173,705	416,748,290	364,278,517	380,856,293	[3] 480,500,292	356,407,447
July	369,909,333	414,945,704	341,081,191	362,756,274	[3] 514,254,089	358,891,812
August	373,599,310	427,453,221	387,370,353	382,105,901	[3] 682,315,188	359,149,584
September	381,623,120	416,665,241	408,912,930	377,767,143	[3] 509,720,494	399,904,137
October		445,865,082	429,077,737	397,958,795	526,543,604	405,879,309
November		406,581,940	405,844,514	368,087,471	513,614,308	389,890,950
December		388,148,973	405,033,227	351,450,080	510,769,252	414,514,029
12 months		[2] 4,943,928,145	[2] 4,457,622,473	[2] 4,603,806,907	[2] 5,830,326,686	[2] 4,419,441,949
MAINTENANCE OF WAY AND STRUCTURES						
January	$55,308,385	$52,885,419	$48,714,722	$60,756,654	$57,891,205	$58,453,440
February	54,379,869	48,418,007	46,600,099	53,316,603	64,406,909	54,275,209
March	59,458,970	57,225,907	53,276,591	61,599,020	67,464,136	59,673,828
April	68,085,298	65,274,165	59,211,633	59,998,686	74,511,616	63,520,866
May	73,758,663	74,647,956	68,074,408	65,095,833	88,981,644	68,932,323
June	71,461,591	77,220,208	70,465,977	69,183,317	95,363,554	66,300,018
July	73,104,591	76,556,558	65,616,403	65,177,102	100,857,228	66,857,388
August	73,089,334	80,835,583	68,743,033	71,941,028	144,543,602	68,202,955
September	72,829,815	76,687,125	67,717,310	72,748,042	94,571,896	68,968,508
October		81,747,720	68,957,794	72,661,765	90,642,115	72,383,533
November		68,577,472	61,705,004	62,248,638	81,336,656	66,670,888
December		61,785,586	56,937,745	49,212,451	70,708,969	63,995,994
12 months		[2] 821,376,694	[3] 736,181,212	[2] 764,662,651	[2] 1,030,503,557	[2] 778,340,219
MAINTENANCE OF EQUIPMENT						
January	$110,331,476	$123,031,713	$93,636,110	$124,077,708	$117,755,937	$99,692,016
February	106,969,858	112,125,967	91,948,480	108,220,839	118,791,959	90,020,341
March	113,292,835	126,248,629	106,195,148	107,753,561	117,268,106	96,601,779
April	107,462,296	119,742,105	96,074,779	101,420,846	111,046,136	94,802,625
May	104,939,079	125,687,122	100,876,316	101,100,850	116,395,011	95,417,392
June	99,173,282	124,460,548	102,426,771	99,687,504	128,369,590	96,675,119
July	99,416,191	121,902,373	78,693,449	95,277,725	138,580,346	96,521,194
August	101,466,767	127,645,093	104,154,917	105,403,201	181,360,713	92,202,302
September	104,988,112	125,040,683	120,010,849	103,778,465	133,925,264	125,597,397
October		134,128,989	130,485,765	112,191,535	140,340,662	115,987,672
November		120,698,752	118,405,794	104,230,503	140,797,411	112,211,521
December		113,926,049	116,994,179	93,549,456	147,529,258	117,131,940
12 months		[2] 1,474,890,588	[3] 1,259,996,915	[3] 1,256,338,463	[2] 1,593,481,891	[2] 1,232,960,112

[1] Includes approximately $50,000,000 back railway-mail pay.
[2] Includes certain corrections not appearing in monthly figures.
[3] Back pay, under decision No. 2 of the United States Railroad Labor Board, is included in the figures for 1920 to the approximate amounts here stated: For June $25,000,000; July, $39,000,000; August, $79,000,000; September, $3,000,000.

TABLE A.—*Railway operating revenues, railway operating expenses, and net railway operating income, 1919–1924, Class I steam roads, including switching and terminal companies*—Continued

TRANSPORTATION EXPENSES

Item	1924	1923	1922	1921	1920	1919
January	$193,729,414	$208,485,557	$171,296,092	$230,812,638	$218,913,350	$186,055,639
February	188,649,292	192,098,865	163,491,812	198,338,166	211,658,475	164,219,880
March	192,039,445	209,893,318	177,679,827	204,799,420	213,651,070	174,522,653
April	177,464,829	195,125,461	157,784,242	188,828,167	192,500,729	168,871,263
May	177,139,688	196,436,637	162,918,019	188,969,442	209,257,948	173,589,633
June	167,878,224	189,751,818	167,035,236	186,612,715	231,437,853	176,067,702
July	171,438,982	191,571,164	172,755,915	178,239,301	247,690,003	177,180,023
August	173,750,554	194,122,539	190,922,853	180,830,319	323,815,483	180,501,967
September	178,405,929	189,915,227	197,902,477	177,700,887	254,856,925	186,814,010
October		204,333,509	205,920,283	189,465,425	268,541,043	198,732,316
November		192,591,599	202,107,227	178,643,455	264,583,290	192,403,904
December		187,034,225	205,821,569	185,366,029	264,531,899	213,762,268
12 months		[2]2,350,958,500	[2]2,176,016,900	[2]2,288,454,499	[2]2,901,583,273	[2]2,192,770,837

NET RAILWAY OPERATING INCOME

[Italics indicate loss]

January	$51,281,164	$61,128,977	$29,631,626	$1,525,630	[1] $59,639,698	$18,442,102
February	71,191,664	39,274,897	47,701,740	*5,164,971*	*16,851,801*	9,788,655
March	80,239,884	84,124,311	83,483,103	30,807,065	14,772,906	10,661,152
April	61,821,967	83,515,322	49,973,793	29,856,640	*23,743,666*	26,002,383
May	60,653,877	90,320,873	62,147,010	36,943,236	*5,429,769*	39,340,216
June	65,528,967	88,272,720	76,270,672	51,067,115	*15,240,366*	52,138,463
July	74,087,676	84,935,306	69,320,528	69,324,196	*12,053,290*	77,229,492
August	95,415,321	98,934,054	52,205,411	90,160,202	*158,582,570*	92,508,715
September	116,760,259	92,476,568	58,677,633	87,606,375	79,675,646	77,648,722
October		102,933,691	85,137,059	105,520,776	86,641,023	76,294,127
November		86,130,774	83,222,648	66,868,122	50,964,905	22,025,807
December		69,694,744	79,037,485	[3] 49,656,627	3,302,304	13,704,977
12 months		[3] 977,657,368	[3] 776,880,593	[4] 615,945,614	[3] 58,151,863	[3] 516,290,090

[1] Includes approximately $50,000,000, back railway mail pay.
[2] Includes certain corrections not appearing in monthly figures.
[3] Includes net credit of approximately $4,068,000, representing adjustments on account of closing out of guaranty period reserves. Report of adjustments not received from one road.
[4] Includes net debit of approximately $488,000, representing adjustments on account of closing out of guaranty period reserves. Report of adjustments not received from one road. See also footnote 2.

TABLE B.—*Ratio of expenses to revenues, Class I steam roads, 1911–1924, by districts. (Switching and terminal companies excluded prior to 1924)*

Year ended	United States	Eastern district	Southern district	Western district
June 30—	*Per cent*	*Per cent*	*Per cent*	*Per cent*
1911	68.50	70.35	68.40	66.56
1912	69.19	70.27	71.06	67.29
1913	69.33	71.34	71.82	66.23
1914	72.05	75.71	72.58	67.90
1915	70.35	72.42	73.09	67.09
1916	65.33	66.65	66.38	63.43
Dec. 31—				
1916	65.50	67.96	65.15	62.87
1917	70.44	74.93	68.04	66.38
1918	81.35	85.60	77.65	77.91
1919	85.06	88.31	86.99	80.69
1920	94.38	99.37	93.44	89.16
1921	82.71	84.63	84.39	79.86
1922	79.41	81.85	77.43	77.38
1923	77.83	79.20	77.15	76.39
Nine months, 1924 [1]	77.20	77.78	75.76	77.06

[1] Including switching and terminal companies.

TABLE C.—*Analysis of operating revenues and expenses, Class I steam roads, including switching and terminal companies, 1922–1924*

Item	Nine months, January to September, inclusive [1]		Calendar year 1923	Calendar year 1922
	1924	1923		
Operating revenues:				
Freight	$3,165,860,897	$3,443,988,635	$4,624,398,830	$4,009,251,951
Passenger	824,096,543	865,537,657	1,147,751,691	1,076,314,793
Mail	71,652,603	67,921,557	93,247,284	91,026,621
Express	103,184,112	112,354,047	152,950,504	143,348,849
All other	237,778,255	255,849,586	338,542,428	300,459,508
Total	4,402,572,410	4,745,651,482	6,356,890,737	5,620,401,722
Per cent of total:				
Freight	71.9	72.6	72.7	71.3
Passenger	18.7	18.2	18.1	19.2
Mail	1.6	1.4	1.5	1.6
Express	2.3	2.4	2.4	2.6
All other	5.4	5.4	5.3	5.3
Operating expenses:				
Maintenance of way and structures	$601,611,072	$609,816,163	$821,376,694	$736,181,212
Maintenance of equipment	948,086,996	1,105,900,158	1,474,890,588	1,259,996,915
Traffic	73,825,426	69,533,683	94,187,696	86,743,887
Transportation	1,620,915,700	1,767,735,896	2,350,958,500	2,176,016,900
General	126,513,113	121,111,801	163,335,848	158,003,972
All other	28,012,376	30,586,512	39,178,819	40,679,587
Total	3,398,964,683	3,704,684,213	4,943,928,145	4,457,622,473
Per cent of total:				
Maintenance of way and structures	17.7	16.5	16.6	16.5
Maintenance of equipment	27.9	29.9	29.8	28.3
Traffic	2.2	1.9	1.9	1.9
Transportation	47.7	47.7	47.6	48.8
General	3.7	3.3	3.3	3.6
All other	.8	.8	.8	.9
Railway tax accruals	$254,617,852	$248,317,229	$336,381,765	$305,479,515
Uncollectible railway revenue	1,522,895	1,178,532	2,075,953	1,503,297
Equipment rents—debit	53,609,210	51,704,859	75,024,633	60,062,673
Joint facility rent—debit	15,887,780	16,574,535	21,822,873	18,853,171
Net railway operating income	677,969,990	723,192,114	977,657,368	776,880,593

TABLE D.—*Ton-miles of freight (revenue and nonrevenue) by months, 1920–1924, Class I steam roads*

Month	1924	1923	1922	1921	1920
	Millions	*Millions*	*Millions*	*Millions*	*Millions*
January	34,514	37,707	27,151	29,784	34,964
February	35,960	32,628	28,451	24,915	32,958
March	36,421	39,222	32,941	26,816	37,865
April	31,900	38,321	24,735	25,591	28,592
May	33,891	39,598	27,940	28,220	37,892
June	31,949	38,001	29,062	28,146	38,246
July	33,157	38,518	27,115	28,402	40,449
August	36,442	40,344	30,472	30,420	42,734
September		39,449	34,334	30,864	40,998
October		42,209	39,287	36,672	42,570
November		38,159	38,077	29,222	37,349
December		33,419	36,271	25,723	34,726
Twelve months		[1] 457,590	[1] 375,952	[1] 344,911	[1] 449,125

[1] Includes certain corrections not appearing in monthly figures.

TABLE E.—*Selected operating averages in freight and passenger service of Class I steam roads in the United States, 1922–1924*

Item	Eight months, January–August		Calendar year	
	1924	1923	1923	1922
Average miles of road included	234,562	234,521	234,548	234,517
Net ton-miles per mile of road per day	4,792	5,341	5,345	4,392
Per cent of freight locomotives unserviceable	19.0	23.2	21.6	25.5
Per cent of freight cars unserviceable	7.6	8.6	8.0	12.8
Per cent loaded of total car-miles	65.0	66.0	65.7	67.2
Per cent eastbound or northbound of loaded car-miles	59.2	59.2	59.5	59.7
Car-miles per car day	26.1	27.4	27.8	23.5
Net ton-miles per car day	455	510	509	424
Net tons per loaded car	26.8	28.2	27.9	26.9
Cars per train	41.4	39.4	39.9	38.4
Gross tons per train (excluding locomotives and tenders)	1,569	1,528	1,539	1,464
Net tons per train (including nonrevenue tons)	704	716	713	676
Average miles per hour, trains in freight service	11.5	10.8	10.9	11.1
Pounds of coal per 1,000 gross ton-miles (including locomotives and tenders)	151	163	161	163
Average cost of coal per ton (including freight)	$3.13	$3.55	$3.46	$3.94
Revenue per ton-mile	$0.01121	$0.01110	$0.01116	$0.01176
Average-haul per revenue ton:				
Per railroad	180.08	178.45	178.86	186.45
United States as a system	[1]	[1]	322.69	331.42
Number of freight train-miles	389,321,154	424,806,424	641,556,000	555,789,000
Cost per freight train-mile:				
Locomotive repairs	$0.434	$0.510	$0.489	$0.424
Train enginemen	.247	.266	.262	.255
Fuel for train locomotives	.449	.522	.507	.557
Enginehouse expenses	.093	.096	.095	.101
Trainmen	.290	.302	.298	.295
Other locomotive and train supplies	.108	.102	.099	.103
Total	1.621	1.798	1.750	1.735
Number of passenger train-miles	370,502,599	365,846,090	549,841,000	531,551,000
Number of passenger-train car-miles	2,422,443,495	2,362,338,015	3,575,443,000	3,404,560,000
Passenger-train cars per train	6.54	6.46	6.50	6.40
Revenue per passenger per mile:				
Including commutation passengers	$0.02970	$0.02999	$0.03019	$0.03029
Excluding commutation passengers	$0.03360	$0.03385	$0.03409	$0.03431

[1] Data not available.

TABLE F.—*Results of operations of the Pullman Co., 1922–1924* [1]

[Italics indicate deficit]

Item	Nine months, January–September		Calendar year	
	1924	1923	1923	1922
Sleeping-car operations:				
Total revenues	$55,623,621.69	$55,261,188.10	$72,576,235	$65,582,291
Total expenses	45,820,131.32	43,795,547.38	55,885,100	53,029,407
Net revenue	9,803,490.37	11,465,640.72	16,691,135	12,552,884
Auxiliary operations:				
Net revenue	55,990.02	79,135.40	73,581	107,134
Total net revenue	9,859,480.39	11,544,776.12	16,764,716	12,660,018
Taxes accrued	2,779,070.93	3,889,055.06	4,475,308	4,120,259
Operating income	7,080,409.46	7,655,721.06	12,289,408	8,539,759
Statistics of car operations:				
Number of revenue passengers—				
Berth	16,417,956	16,357,493	21,489,952	19,724,576
Seat	9,666,740	9,687,468	12,759,493	12,023,809
Total	26,084,696	26,044,961	34,249,445	31,748,385
Number of nonrevenue passengers	475,695	466,788	626,267	576,886
Revenue passengers per car per day	12.46	13.07	12.91	12.70
Revenue per berth passenger	$3.30	$3.24	$3.23	$3.18
Revenue per seat passenger	$0.76	$0.75	$0.75	$0.74
Car-miles per car day	340.52	335.68	335.80	328.46

[1] Statement covers car and auxiliary operations other than manufacturing plant.

TABLE G.—*Average number of employees, total compensation and average compensation per annum, fiscal year ended June 30, 1924, Class I roads*

Division No.	Reporting division	Average number of employees middle of month	Total compensation	Average compensation per annum
	I. EXECUTIVES, OFFIGIALS, AND STAFF ASSISTANTS			
1	Executives, general officers, and assistants D	7,279	$49,161,717	$6,754
2	Division officers, assistants, and staff assistants D	9,080	35,524,201	3,912
	Total (executives, officials, and staff assistants) D	16,359	84,685,918	5,177
	II. PROFESSIONAL, CLERICAL, AND GENERAL			
3	Architectural, chemical, and engineering assistants (A) D	2,790	8,018,393	2,874
4	Architectural, chemical, and engineering assistants (B) D	3,804	8,358,134	2,197
5	Subprofessional engineering and laboratory assistants D	3,426	5,602,626	1,635
6	Professional and subprofessional legal assistants D	533	1,424,900	2,673
7	Supervisory or chief clerks (major departments) D	5,262	14,684,632	2,791
8	Chief clerks (minor departments) and assistant chief clerks and supervising cashiers D	12,986	28,353,280	2,183
9	Clerks and clerical specialists (A)	13,538	25,720,287	1,900
10	Clerks (B)	137,194	209,426,625	1,526
11	Clerks (C)	21,055	25,737,452	1,222
12	Mechanical device operators (office)	7,776	9,933,129	1,277
13	Stenographers and secretaries (A)	3,450	6,188,234	1,794
14	Stenographers and typists (B)	21,927	30,282,533	1,381
15	Storekeepers, sales agents, and buyers	3,544	6,967,535	1,966
16	Ticket agents and assistant ticket agents	1,654	3,412,606	2,063
17	Traveling auditors or accountants D	2,137	5,222,919	2,444
18	Telephone switchboard operators and office assistants	5,263	4,726,191	898
19	Messengers and office boys D	6,659	4,615,030	693
20	Elevator operators and other office attendants	1,186	1,191,302	1,004
21	Lieutenants and sergeants of police D	2,455	4,996,626	2,035
22	Patrolmen	6,167	10,765,443	1,746
23	Watchmen (without police authority)	3,623	4,501,825	1,243
24	Supervising traffic agents D	1,579	5,664,969	3,588
25	Traffic agents, advertising and development agents D	5,807	14,912,129	2,568
26	Fire prevention, smoke, and time-service inspectors, and office building superintendents D	393	918,041	2,336
27	Claim agents and claim investigators D	1,869	4,713,548	2,522
28	Real estate and tax agents and investigators D	352	914,697	2,599
29	Examiners, instructors, and special investigators D	544	1,452,158	2,669
30	Miscellaneous trades workers (other than plumbers)	656	1,131,607	1,725
31	Motor vehicle and motor car operators	985	1,286,433	1,306
32	Teamsters and stablemen	264	352,823	1,336
33	Janitors and cleaners	7,705	7,241,112	940
	Total (professional, clerical, and general):			
	Daily basis	50,596	109,852,082	2,171
	Hourly basis	235,987	348,865,137	1,478
	III. MAINTENANCE OF WAY AND STRUCTURES			
34	Roadmasters and general foremen (maintenance of way and structures) D	3,318	9,780,017	2,948
35	Assistant general foremen (maintenance of way and structures) D	337	850,386	2,523
36	Supervising maintenance of way inspectors and scale inspectors	327	727,534	2,225
37	Maintenance of way inspectors	652	1,374,449	2,108
38	Bridge and building gang foremen (skilled labor, maintenance of way and structures)	5,501	11,037,729	2,006
39	Bridge and building carpenters	23,824	34,289,707	1,439
40	Bridge and building ironworkers	1,025	1,787,335	1,744
41	Bridge and building painters	3,163	4,439,536	1,404
42	Masons, bricklayers, plasterers, and plumbers	2,198	3,926,283	1,786
43	Skilled trades helpers (maintenance of way and structures)	11,076	12,848,667	1,160
44	Regular apprentices (maintenance of way and structures)	154	149,181	969
45	Portable steam equipment operators (maintenance of way and structures)	2,196	4,334,109	1,974
46	Portable steam equipment operator helpers (maintenance of way and structures)	861	1,195,190	1,388
47	Pumping equipment operators	6,139	6,095,976	993
48	Gang foremen (extra gang and work-train laborers)	4,152	6,948,095	1,673
49	Gang foremen (bridge and building, signal and telegraph laborers)	661	1,319,539	1,996
50	Gang or section foremen	40,314	60,600,040	1,503
51	Laborers (extra gang and work-train)	59,812	56,241,233	940
52	Track and roadway section laborers	209,019	184,566,184	883
53	Maintenance of way laborers (other than track and roadway) and gardeners and farmers	8,309	7,376,273	888

TABLE G.—*Average number of employees, total compensation and average compensation per annum, fiscal year ended June 30, 1924, Class I roads*—Continued

Division No.	Reporting division	Average number of employees middle of month	Total compensation	Average compensation per annum
	III. MAINTENANCE OF WAY AND STRUCTURES—continued			
54	General foremen and supervising inspectors (signal, telegraph, and electrical transmission)—D	518	$1, 527, 109	$2, 948
55	Assistant general foremen (signal, telegraph, and electrical transmission) and signal and telegraph inspectors—D	601	1, 559, 008	2, 594
56	Gang foremen (signal and telegraph skilled trades labor)	1, 217	2, 787, 775	2, 291
57	Signalmen and signal maintainers	8, 268	15, 656, 014	1, 894
58	Linemen and groundmen	2, 614	4, 623, 422	1, 769
59	Assistant signalmen and assistant signal maintainers	2, 515	3, 596, 642	1, 430
60	Signalman and signal maintainer helpers	3, 232	3, 780, 573	1, 170
	Total (maintenance of way and structures):			
	Daily basis	4, 774	13, 716, 520	2, 873
	Hourly basis	397, 229	429, 701, 486	1, 082
	IV. MAINTENANCE OF EQUIPMENT AND STORES			
61	General foremen (maintenance of equipment)—D	1, 554	5, 526, 973	3, 557
62	Assistant general foremen and department foremen (maintenance of equipment)—D	12, 070	37, 128, 619	3, 076
63	General foremen (stores)—D	301	624, 526	2, 075
64	Assistant general foremen (stores)—D	173	340, 306	1, 967
65	Equipment, shop, and electrical inspectors (maintenance of equipment)—D	1, 617	4, 116, 489	2, 546
66	Material and supplies inspectors—D	1, 944	3, 987, 333	2, 051
67	Gang foremen and gang leaders (skilled labor)	12, 413	32, 271, 109	2, 600
68	Blacksmiths	9, 893	17, 643, 302	1, 783
69	Boilermakers	21, 507	40, 517, 847	1, 884
70	Carmen (A)	23, 714	41, 846, 928	1, 765
71	Carmen (B)	4, 917	8, 395, 058	1, 707
72	Carmen (C)	97, 353	163, 364, 453	1, 678
73	Carmen (D)	2, 568	3, 976, 863	1, 549
74	Electrical workers (A)	6, 897	13, 452, 158	1, 950
75	Electrical workers (B)	2, 439	4, 492, 742	1, 842
76	Electrical workers (C)	265	484, 144	1, 827
77	Machinists	65, 979	122, 843, 605	1, 862
78	Molders	1, 324	2, 352, 991	1, 777
79	Sheet-metal workers	12, 250	22, 694, 856	1, 853
80	Skilled trades helpers (maintenance of equipment and stores)	125, 966	161, 589, 811	1, 283
81	Helper apprentices (maintenance of equipment and stores)	7, 676	9, 610, 492	1, 252
82	Regular apprentices (maintenance of equipment and stores)	14, 240	11, 903, 358	836
83	Gang foremen laborers (shops, enginehouses, power plants, and stores)	4, 303	6, 921, 589	1, 609
84	Coach cleaners	13, 180	14, 462, 908	1, 097
85	Laborers (shops, enginehouses, power plants, and stores)	48, 516	56, 049, 353	1, 155
86	Common laborers (shops, enginehouses, power plants, and stores)	63, 007	61, 427, 918	975
87	Stationery engineers (steam)	2, 683	5, 145, 398	1, 918
88	Stationery firemen and oilers (steam and electrical plants)	5, 979	9, 412, 666	1, 574
89	Coal passers and water tenders (steam station boiler rooms)	617	854, 740	1, 385
	Total (maintenance of equipment and stores):			
	Daily basis	17, 659	51, 724, 246	2, 929
	Hourly basis	547, 686	811, 714, 289	1, 482
	V. TRANSPORTATION (OTHER THAN TRAIN, ENGINE, AND YARD)			
90	Chief train dispatchers, train dispatchers, and train directors	5, 605	17, 486, 806	3, 120
91	Station agents (supervisory—major stations—nontelegraphers)—D	2, 479	7, 322, 949	2, 954
92	Station agents (supervisory—smaller stations—nontelegraphers)	5, 571	11, 149, 874	2, 001
93	Station agents (nonsupervisory—smaller stations—nontelegraphers)	3, 992	4, 813, 940	1, 206
94	Station agents (telegraphers and telephoners)	19, 512	33, 409, 228	1, 712
95	Chief telegraphers and telephoners or wire chiefs	823	1, 922, 663	2, 336
96	Clerk-telegraphers and clerk-telephoners	13, 763	23, 028, 315	1, 673
97	Telegraphers, telephoners, and towermen	27, 295	47, 291, 812	1, 733
98	Station masters and assistants—D	518	1, 223, 293	2, 362
99	Supervising baggage agents—D	134	285, 630	2, 132
100	Baggage agents and assistants	822	1, 337, 112	1, 627
101	Baggage, parcel room, and station attendants	9, 684	11, 647, 711	1, 203
102	General foremen (freight stations, warehouses, grain elevators, and docks)	571	1, 205, 941	2, 112
103	Assistant general foremen (freight stations, warehouses, grain elevators, and docks)	457	858, 716	1, 879

TABLE G.—*Average number of employees, total compensation and average compensation per annum, fiscal year ended June 30, 1924, Class I roads*—Concluded

Division No.	Reporting division	Average number of employees middle of month	Total compensation	Average compensation per annum
	V. TRANSPORTATION (OTHER THAN TRAIN, ENGINE, AND YARD)—continued			
104	Gang foremen (freight station, warehouse, grain elevator, and dock labor)	3,686	$6,194,744	$1,681
105	Callers, loaders, scalers, sealers, and perishable freight inspectors	16,183	20,227,909	1,250
106	Truckers (stations, warehouses, and platforms)	40,522	44,806,898	1,106
107	Laborers (coal and ore docks and grain elevators)	1,884	2,693,739	1,430
108	Common laborers (stations, warehouses, platforms, and grain elevators)	4,183	4,333,074	1,036
109	Stewards, restaurant and lodging-house managers, and dining-car supervisors	1,576	3,001,864	1,905
110	Chefs and first cooks (dining cars and restaurants)	1,467	2,431,931	1,658
111	Second and third cooks (dining cars and restaurants)	2,680	3,112,325	1,161
112	Waiters and lodging-house attendants	6,321	4,952,361	783
113	Camp and crew cooks and kitchen helpers	3,544	3,209,966	906
114	Barge, lighter, and gasoline launch officers and workers	2,041	3,804,775	1,864
115	Deck officers (ferryboats and towing vessels)	869	2,115,915	2,435
116	Engine-room officers (ferryboats and towing vessels)	826	2,001,104	2,423
117	Deck and engine-room workers (ferryboats and towing vessels)	4,227	6,451,750	1,526
118	Deck and engine-room officers and workers (steamers)	1,555	1,512,592	973
119	Floating equipment shore workers and attendants	1,013	1,333,342	1,316
120	Transportation and dining service inspectors—D	911	2,155,886	2,367
121	Parlor and sleeping car conductors	72	142,719	1,982
122	Train attendants	3,561	4,018,810	1,129
123	Bridge operators and helpers	1,474	1,935,307	1,313
124	Crossing and bridge flagmen and gatemen—D	23,041	20,692,099	898
125	Foremen (laundry) and laundry workers	400	412,515	1,031
	Total (transportation—other than train, engine, and yard):			
	Daily basis	27,083	31,679,857	1,170
	Hourly basis	186,179	272,845,758	1,466
	VI (a). TRANSPORTATION (YARDMASTERS, SWITCH TENDERS, AND HOSTLERS)			
126	Yardmasters and assistants—D	7,043	21,645,224	3,073
127	Switch tenders	6,038	9,503,726	1,574
128	Outside hostlers	2,955	6,223,385	2,106
129	Inside hostlers	7,426	13,605,616	1,832
130	Outside hostler helpers	2,325	3,806,670	1,637
	Total transportation—yardmasters, switch tenders, and hostlers:			
	Daily basis	7,043	21,645,224	3,073
	Hourly basis	18,744	33,139,397	1,768
	Total all groups (except train and engine):			
	Daily basis	123,514	313,303,847	2,537
	Hourly basis	1,385,825	1,896,266,067	1,368
	VI (b). TRANSPORTATION (TRAIN AND ENGINE)			
131	Road passenger conductors	10,573	30,077,671	2,845
132	Assistant road passenger conductors and ticket collectors	1,245	2,908,330	2,336
133 134	Road freight conductors	25,940	69,253,705	2,670
135	Road passenger baggagemen	5,903	12,439,772	2,107
136	Road passenger brakemen and flagmen	14,554	27,792,750	1,910
137 138	Road freight brakemen and flagmen	63,517	125,326,056	1,973
139	Yard conductors and yard foremen	21,285	48,814,571	2,293
140	Yard brakemen and yard helpers	53,822	104,537,596	1,942
141	Road passenger engineers and motormen	13,063	40,142,964	3,073
142 143	Road freight engineers and motormen	32,643	97,609,856	2,990
144	Yard engineers and motormen	21,411	51,295,291	2,396
145	Road passenger firemen and helpers	12,773	29,127,563	2,280
146 147	Road freight firemen and helpers	35,111	72,738,074	2,072
148	Yard firemen and helpers	21,969	39,235,610	1,786
	Total (transportation—train and engine)	333,809	751,299,809	2,251
	Grand total, all employees	1,843,148	2,960,869,723	1,606

TABLE H.—*Tonnage of commodities originating on Class I steam roads, 1923–1924*

Commodity	January-June, 1924		January-June, 1923		Calendar year, 1923	
	Number of tons (2,000 lbs.)	Per cent of total	Number of tons (2,000 lbs.)	Per cent of total	Number of tons (2,000 lbs.)	Per cent of total
PRODUCTS OF AGRICULTURE						
Wheat	7,384,213	1.33	8,645,021	1.42	23,091,018	1.81
Corn	8,822,727	1.59	8,506,427	1.39	15,150,511	1.18
Oats	3,658,295	.66	3,904,279	.64	8,332,071	.65
Other grain	1,725,422	.31	2,168,267	.35	4,739,019	.37
Flour and meal	4,834,053	.87	4,870,957	.80	10,517,832	.82
Other mill products	5,227,344	.95	4,965,654	.81	10,002,128	.78
Hay, straw, and alfalfa	2,945,044	.53	3,136,370	.51	5,965,015	.47
Tobacco	632,166	.12	577,913	.09	1,099,023	.09
Cotton	786,319	.14	810,860	.13	2,887,286	.23
Cottonseed and products, except oil	1,264,035	.23	1,074,697	.18	3,574,051	.28
Citrus fruits	1,019,959	.19	904,744	.15	1,542,144	.12
Other fresh fruits	1,238,589	.22	1,183,995	.19	5,248,389	.41
Potatoes	2,233,436	.40	2,247,156	.37	4,698,036	.37
Other fresh vegetables	1,334,320	.24	1,204,417	.20	2,472,765	.19
Dried fruits and vegetables	534,753	.10	359,130	.06	1,135,026	.09
Other products of agriculture	1,584,158	.29	1,517,628	.25	8,863,341	.69
Total	45,224,833	8.17	46,077,515	7.54	109,317,655	8.55
ANIMALS AND PRODUCTS						
Horses and mules	259,446	.05	294,388	.05	603,146	.05
Cattle and calves	3,858,621	.70	3,917,799	.64	9,400,119	.73
Sheep and goats	465,903	.08	475,692	.08	1,158,751	.09
Hogs	3,588,666	.65	3,540,423	.58	6,944,424	.54
Fresh meats	1,477,718	.27	1,503,307	.25	3,023,284	.24
Other packing-house products	1,238,524	.22	1,193,564	.20	2,396,494	.19
Poultry	150,804	.03	148,299	.02	366,370	.03
Eggs	374,014	.07	390,804	.06	596,862	.05
Butter and cheese	301,988	.05	271,667	.04	570,894	.04
Wool	142,658	.02	170,867	.03	290,624	.02
Hides and leather	503,204	.09	581,484	.09	1,089,819	.09
Other animals and products	839,006	.15	923,936	.15	1,813,659	.14
Total	13,200,552	2.38	13,412,230	2.19	28,254,446	2.21
PRODUCTS OF MINES						
Anthracite coal	38,273,681	6.91	44,068,157	7.21	83,341,715	6.52
Bituminous coal	152,358,553	27.52	178,760,415	29.26	360,640,932	28.20
Coke	10,469,802	1.89	15,344,034	2.51	27,871,221	2.18
Iron ore	21,499,526	3.89	24,830,377	4.07	77,816,989	6.08
Other ores and concentrates	5,089,622	.92	5,429,504	.89	10,491,251	.82
Base bullion and matte	428,897	.08	386,614	.06	809,201	.06
Clay, gravel, sand, and stone	54,424,048	9.83	55,950,350	9.16	133,933,710	10.47
Crude petroleum	3,834,983	.69	3,836,461	.63	8,402,553	.66
Asphaltum	943,099	.17	870,397	.14	2,102,128	.16
Salt	1,525,432	.28	1,618,074	.27	3,392,702	.26
Other products of mines	2,282,926	.41	2,425,266	.40	4,932,422	.39
Total	291,130,569	52.59	333,519,649	54.60	713,734,824	55.80
PRODUCTS OF FORESTS						
Logs, posts, poles, and cordwood	24,934,166	4.50	23,756,394	3.89	47,177,536	3.69
Ties	3,309,718	.60	3,147,300	.52	6,681,226	.52
Pulp wood	3,468,146	.63	3,306,634	.54	5,367,019	.42
Lumber, timber, boxshooks, staves and headings	24,735,187	4.47	28,236,238	4.62	53,540,057	4.19
Other products of forests	1,328,466	.24	1,408,370	.23	2,852,155	.22
Total	57,775,683	10.44	59,854,936	9.80	115,617,993	9.04

TABLE H.—*Tonnage of commodities originating on Class I steam roads, 1923–1924*—Continued

Commodity	January–June, 1924		January–June, 1923		Calendar year, 1923	
	Number of tons (2,000 lbs.)	Per cent of total	Number of tons (2,000 lbs.)	Per cent of total	Number of tons (2,000 lbs.)	Per cent of total
MANUFACTURES AND MISCELLANEOUS						
Refined petroleum and its products	18,761,187	3.39	17,023,380	2.79	36,640,892	2.86
Vegetable oils	494,290	.09	513,340	.09	969,022	.08
Sugar, sirup, glucose, and molasses	2,534,648	.46	2,465,235	.40	4,890,512	.38
Boats and vessel supplies	6,507	(1)	33,629	.01	25,375	(1)
Iron, pig and bloom	6,655,078	1.20	8,544,999	1.40	14,960,059	1.17
Rails and fastenings	1,530,878	.28	1,640,673	.27	3,192,189	.25
Bar and sheet iron, structural iron, and iron pipe	12,860,632	2.32	15,711,783	2.57	30,141,260	2.36
Other metals, pig, bar, and sheet	2,615,606	.47	2,808,584	.46	5,330,110	.42
Castings, machinery, and boilers	2,585,566	.47	2,998,215	.49	5,935,900	.46
Cement	9,608,938	1.74	9,550,198	1.56	21,117,931	1.65
Brick and artificial stone	8,667,703	1.57	9,337,321	1.53	18,797,657	1.47
Lime and plaster	2,935,401	.53	2,870,369	.47	5,896,497	.46
Sewer pipe and drain tile	1,026,779	.19	1,060,927	.17	2,219,839	.17
Agricultural implements and vehicles other than automobiles	1,167,531	.21	1,353,721	.22	2,603,070	.20
Automobiles and auto trucks	3,504,538	.63	3,313,480	.54	6,611,544	.52
Household goods and second-hand furniture	324,297	.06	345,745	.06	684,900	.05
Furniture (new)	401,662	.07	450,500	.07	882,432	.07
Beverages	320,967	.06	326,645	.05	683,859	.05
Ice	1,828,217	.33	1,974,508	.32	5,069,857	.40
Fertilizers (all kinds)	5,786,963	1.04	5,447,572	.89	7,638,928	.60
Paper, printed matter, and books	1,522,045	.27	1,556,849	.26	2,913,205	.23
Chemicals and explosives	4,248,521	.77	4,804,031	.79	9,029,591	.71
Textiles	402,859	.07	482,199	.08	958,199	.07
Canned goods (all canned food products)	1,293,391	.23	1,277,741	.21	3,435,412	.27
Other manufactures and miscellaneous	35,173,617	6.35	39,951,499	6.54	77,138,508	6.03
Total	126,257,821	22.80	135,843,143	22.24	267,766,748	20.93
Grand total, carload traffic	533,589,458	96.38	588,707,473	96.37	1,234,691,666	96.53
Merchandise—all l. c. l. freight	20,026,477	3.62	22,155,354	3.63	44,338,556	3.47
Grand total, carload and l. c. l. traffic	553,615,935	100.00	610,862,827	100.00	1,279,030,222	100.00

[1] Less than 0.01 per cent.

TABLE I.—*Summary of casualties to persons on steam roads in the United States for the years ending December 31, 1923, 1922, 1921, 1920, and 1919*

Class of person	Number of persons									
	1923		1922		1921		1920		1919	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
1. Trespassers	2,779	3,047	2,430	2,844	2,481	3,071	2,166	2,368	2,553	2,658
2. Employees:										
Trainmen on duty	937	36,195	719	29,311	658	25,968	1,265	42,840	984	32,844
Other employees	708	3,539	579	3,123	479	2,779	933	4,394	775	3,757
Total employees	1,645	39,734	1,298	32,434	1,137	28,747	2,198	47,234	1,759	36,601
3. Passengers	138	5,847	200	6,153	205	5,584	229	7,591	273	7,456
4. Persons carried under contract	21	674	25	651	21	560	35	865	28	691
5. Other nontrespassers	2,339	7,162	1,898	5,907	1,743	5,362	1,867	5,728	1,882	5,195
Total classes 1 to 5	6,922	56,464	5,851	47,989	5,587	43,324	6,495	63,786	6,495	52,601
6. Casualties in nontrain accidents	463	115,248	474	86,882	409	77,361	463	104,523	483	96,452

APPENDIX D

POINTS DECIDED BY THE COMMISSION IN REPORTED RATE CASES, WITH INDEX OF POINTS DECIDED AND TABLE OF CASES

Minimum weights on furniture, 83 I. C. C. 64.

1. Proposed increased minimum on furniture and furniture parts in straight and mixed carloads between points in western trunk-line territory found not justified. Suspended schedules ordered canceled.

Switching charges on ferry cars, 83 I. C. C. 68.

2. Proposed increased charge for the switching of ferry cars in the Boston, Mass., district held not justified.

Wenatchee Valley Fruit Exchg. v. *N. P. Ry. Co.*, 83 I. C. C. 71.

3. Transportation, refrigeration, and car-heater charges on apples and fresh fruit from points in Washington to destinations in certain other States found not unreasonable. Complaint dismissed.

Atlas Portland Cement Co. v. *C., B. Q. R. R. Co.*, 83 I. C. C. 80.

4. Original report and order of June 6, 1923, 81 I. C. C. 1, vacated and set aside in so far as said report and order require the interstate rates on cement, in carloads, to Illinois points from Hannibal and St. Louis, Mo., to be related to the intrastate rates on like traffic from Illinois mills to Chicago, Ill.

Iron and steel to Virginia cities, 83 I. C. C. 82.

5. Proposed increased rates on iron and steel articles, in carloads and less than carloads, from Pittsburgh-Buffalo territories and certain territories east thereof, to Virginia cities and points taking the same rates, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Proportional class rates between upper Mississippi River crossings, 83 I. C. C. 93.

6. Proposed cancellation of proportional class rates applicable between interior Iowa points and certain Minnesota, Missouri, and South Dakota points on the one hand and points east of the Indiana-Illinois State line on the other, on carload and less-than-carload traffic moving through Burlington, Clinton, and Keokuk, Iowa, found not justified. Suspended schedules ordered canceled.

Petroleum and its products between lower Mississippi River crossings, 83 I. C. C. 98.

7. Increased rates on petroleum and its products, in carloads, from lower Mississippi River points to Pensacola, Fla., Mobile, Ala., Gulfport, Miss. and certain intermediate stations found not justified. Suspended schedules ordered canceled and proceeding discontinued, but without prejudice to the establishment of rates herein found reasonable.

Kansas Public Utilities Commission v. *A., T. & S. F. Ry. Co.*, 83 I. C. C. 105.

8. General basis of rates on grain, grain products, and hay within the western group not shown upon the present record to be unjust or unreasonable. Case reopened to permit the development of a more complete record.

Grain to Cairo and St. Louis, 83 I. C. C. 118.

9. Proposed increased rates on wheat and corn, and articles taking the same rates, in carloads, between points on the Chicago, Burlington & Quincy in north-central and northwestern Illinois, on the one hand, and St. Louis, Mo., and grouped points, on the other, and from the same Illinois points to Cairo, Mounds, and Metropolis, Ill., and Evansville, Ind., found justified in part on grain. Suspended schedules ordered canceled without prejudice to the publication of schedules in conformity with the conclusions.

Beaumont Chamber of Commerce v. *Director General*, 83 I. C. C. 125.

10. Present rates on sugar, in carloads, from New Orleans and certain other milling points in Louisiana, to Beaumont, Port Arthur, West Port Arthur, and Orange, Tex., found not unreasonable or otherwise unlawful. Prior rates found unreasonable and unduly prejudicial. Reparation awarded.

Roasted coffee to Galveston, 83 I. C. C. 131.

11. Proposed reduced rates on roasted coffee, in less than carloads, from New York, N. Y., and Philadelphia, Pa., to Galveston and Houston, Tex., and related points, not shown to be unduly prejudicial or otherwise unlawful. Order of suspension vacated and proceeding discontinued.

Southern Appalachian Coal Operators Asso. v. *L. & N. R. R. Co.*, 83 I. C. C. 136.

12. Rates on bituminous coal, in carloads, from mines in eastern Tennessee and from Fonde, Ky., served by the Louisville & Nashville to Louisville, Ky., found not unreasonable, unduly prejudicial, or otherwise unlawful. Complaint dismissed.

Pittsburgh Coal Producers' Asso. v. *P., C., C. & St. L. R. R. Co.*, 83 I. C. C. 145.

13. Motion to vacate order permitting intervention denied.

14. Rates on bituminous coal, in carloads, from mines in southwestern Pennsylvania to West Virginia destinations found unreasonable. Reasonable rates for the future determined.

15. Maintenance of rates on bituminous coal, in carloads, from Wellsburg, W. Va., to Weirton, W. Va., and from Zalia, W. Va., to Follansbee, W. Va., lower than those herein found reasonable to the same destinations from Hanlin, Pa., found to subject mines in southwestern Pennsylvania to undue prejudice and to constitute an unjust discrimination against interstate commerce. Manner of removal of undue prejudice and unjust discrimination specified.

Oyler & Son v. *Amer. Ry. Express Co.*, 83 I. C. C. 160.

16. Failure of defendant to accord a carload express refrigerator service on strawberries from points on the Louisville & Nashville to destinations in central and trunk-line territories while contemporaneously according such service to competing shippers in Louisiana and other States found not unduly prejudicial.

17. Rates applicable on strawberries by express from points on the Louisville & Nashville to points in central and trunk-line territories not shown to be unreasonable. Complaint dismissed.

Megeath Coal Co. v. *Director General*, 83 I. C. C. 165.

18. Rates on coal from Winton, Wyo., to destinations in Washington, Oregon, and other western States found unreasonable to the extent they exceeded the rates in effect at the time from the Rock Springs-Kemmerer group, in which Winton was subsequently included. Reparation awarded.

Keith Co. v. *Director General*, 83 I. C. C. 167.

19. Rates on dried or frozen eggs and parts of eggs, in carloads, from Pacific coast ports to eastern destinations during Federal control found unreasonable. Waiver of certain undercharges authorized, and reparation awarded.

Columbia Quarry Co. v. *Director General*, 83 I. C. C. 173.

20. Rate on stone, in carloads, from Valmeyer, Ill., to Dupo, Ill., for delivery within East St. Louis, Ill., switching district found unreasonable. Reparation denied.

Cement from Bonner Springs, 83 I. C. C. 176.

21. Proposed reduced rate on cement, in carloads, from Bonner Springs, Kans., to Kansas City, Mo., found justified. Order of suspension vacated and proceeding discontinued.

West Ky. Coal Bureau v. *L. & N. R. R. Co.*, 83 I. C. C. 180.

22. Rates on coal, in carloads, from mines in western Kentucky on the Louisville & Nashville Railroad to points in the Northwest as defined in the report, found not unreasonable but unduly prejudicial. Relationship of rates prescribed for the future.

St. Joseph Commerce Club v. *A. & S. R. R. Co.*, 83 I. C. C. 185.

23. Rates on bituminous coal, in carloads, from mines on the Chicago & Alton and Wabash roads in the Springfield district of Illinois to St. Joseph, Mo., found unduly prejudicial. Bases for nonprejudicial rates for the future prescribed.

Clay Products Co. v. *Director General*, 83 I. C. C. 193.

24. Rate on clay, in carloads, from Carbon to Brazil, Ind., during Federal control, found unreasonable. Reparation awarded.

Hooker Electro Chemical Co. v. *A. C. R. R. Co.*, 83 I. C. C. 196.

25. Rates on caustic soda, in carloads, from Niagara Falls to New York, N. Y., and to New York rate points, also to points south of Baltimore, Md., found unduly prejudicial to complainants and unduly preferential of their competitors located at Syracuse-Solvay, N. Y. Reparation denied.

Donner Steel Co. v. *Director General*, 83 I. C. C. 203.

26. Rates on imported manganese ore, in carloads, from East Boston, Mass., Weehawken, N. J., Philadelphia, Pa., and Baltimore, Md., to North Tonawanda, N. Y., found not unreasonable. Complaint dismissed.

Commodity rates from Jacksonville, 83 I. C. C. 207.

27. Application for authority to establish commodity rates from Jacksonville to Miami, Fla., without observing the long-and-short-haul provision of section 4 of the act denied.

Carhartt Cotton Mills v. *A. & V. Ry. Co.*, 83 I. C. C. 212.

28. Any-quantity rate charged on car-lot and less-than-car-lot shipments of cotton piece goods from Rock Hill, S. C., to Dallas, Tex., found unreasonable. Reparation awarded and basis for reasonable less-than-carload rate prescribed for the future.

Boren-Stewart Co. v. *B. & O. R. R. Co.*, 83 I. C. C. 215.

29. Rates on glass fruit jars and tops, glass tumblers, and jelly glasses, in straight or mixed carloads, from Clarksburg, W. Va., to Dallas, Tex., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Western Meat Co. v. *Director General*, 83 I. C. C. 218.

30. Cancellation of and absence from defendants' tariffs between January 1 and September 18, 1920, of a rule providing for the refund of passenger fares of caretakers sent by complainants to accompany shipments of livestock from points of origin in California, Nevada, and Utah found to have been unreasonable and to have resulted in the assessment of charges for the transportation of such caretakers which were unreasonable. Reparation awarded.

Empire Refineries v. *Director General*, 83 I. C. C. 223.

31. Rates on gas oil in tank-car loads, from Independence, Kans., and Ponca City, Okla., to Lincoln, Nebr., found unreasonable. Reparation awarded.

Larimer County Milk Condensery Co. v. *Director General*, 83 I. C. C. 225.

32. Rate on condensed or evaporated milk, in carloads, from Loveland and Denver, Colo., to New York, N. Y., found unreasonable. Reparation awarded.

Moline Oil Co. v. *Director General*, 83 I. C. C. 227.

33. Rates on fuel oil, in tank-car loads, from Oklahoma Group 3 points to Moline, Ill., found unreasonable. Reparation awarded.

Sunderland Bros. Co. v. *Director General*, 83 I. C. C. 229.

34. Rates on rough marble from Knoxville, South Knoxville Extension, and Luttrell, Tenn., to Omaha, Nebr., and from River Front Extension and McMullens, Tenn., to Sioux City, Iowa, found not unreasonable or otherwise unlawful. Complaint dismissed.

Barnes Foundry Co. v. *Director General*, 83 I. C. C. 233.

35. Rates on core-molding sand from McConnellsville, N. Y., to Jersey City, N. J., found not unreasonable. Complaint dismissed.

International Paper Co. v. *M. C. R. R. Co.*, 83 I. C. C. 235.

36. Rate on pulp wood, in carloads, from Kennebago, Me., to Berlin, N. H. found unreasonable. Reparation awarded.

East Bay Water Co. v. *Director General*, 83 I. C. C. 238.

37. Rate on petroleum fuel oil, in carloads, from Richmond to Alvarado, Calif., during Federal control, found not unreasonable. Complaint in No. 12896 dismissed.

38. Rate on petroleum fuel oil, in carloads, from Richmond to Oakland, Calif., during Federal control, found unreasonable. Reparation awarded.

Sioux City Live Stock Exch. v. *C., St. P., M. & O. Ry. Co.*, 83 I. C. C. 243.

39. Rules governing the transportation of caretakers of carloads of livestock shipped from points in southwestern Minnesota to Sioux City, Iowa, and to South St. Paul, Minn., found unduly prejudicial to Sioux City and shippers of livestock thereto, and unduly preferential of South St. Paul and shippers of livestock thereto. Application of present interstate rule on the intrastate traffic required.

Loading and unloading livestock at Chicago, 83 I. C. C. 248.

40. Proposed increased charges for loading or unloading double-deck cars of ordinary livestock at the Union Stock Yards in Chicago, Ill., found not justified. Suspended schedules ordered canceled.

Lester & Toner v. *L. I. R. R. Co.*, 83 I. C. C. 251.

41. Rates on crushed oyster shells, in carloads, from Greenport, N. Y., to points in Pennsylvania and New York found not unreasonable, but to certain points found unduly prejudicial. Nonprejudicial basis of rates prescribed for the future, and reparation awarded.

Arlington Silver Mining Co. v. *G. N. Ry. Co.*, 83 I. C. C. 255.

42. Rules governing released rates on ore, in carloads, from Okanogan, Wash., to Bradley, Idaho, found unreasonable. Reaonable rules prescribed for the future.

Pritchard-Wheeler Lumber Co. v. *Director General*, 83 I. C. C. 260.

43. Present rates on lumber and articles taking the same rates from certain Louisiana points to New Orleans, La., for export, found not unreasonable and with the exception of the rate from Bastrop, which should not be higher than contemporaneously maintained from Collinston, La., found not unduly prejudicial. Undue prejudice as to Bastrop ordered removed.

Wilson & Toomer Fertilizer Co. v. *Director General*, 83 I. C. C. 264.

44. Rate on sulphuric acid, in tank-car loads, from Macon, Ga., to Jacksonville, Fla., found to have been unreasonable. Reparation awarded.

Colo. Culvert & Flume Co. v. *A., T. & S. F. Ry. Co.*, 83 I. C. C. 267.

45. Rates on galvanized, corrugated, riveted sheet-iron and sheet-steel culverts or culvert pipe, in carloads, from Pueblo, Colo., to points in certain other States, found applicable and not unreasonable, but unduly prejudicial. Undue prejudice ordered removed. Reparation denied.

Sandusky Cooperage & Lumber Co. v. *N., C. & St. L. Ry.*, 83 I. C. C. 271.

46. Rates on slack staves, heading, and hoops, in carloads, from certain points in Arkansas, Missouri, and Mississippi, to Sherwood, Tenn., found not unreasonable or unduly prejudicial. Complaint dismissed.

47. Fourth-section relief granted.

Protective Service on Perishable Freight, 83 I. C. C. 275.

48. Schedules proposing (1) to regroup certain stations on the Missouri & North Arkansas Railroad and increase charges for icing and re-icing perishable freight at those stations, (2) to increase refrigeration charges from certain stations on the Midland Valley Railroad, (3) to increase refrigeration charges on melons from certain stations on the Jonesboro, Lake City & Eastern Railroad, (4) to transfer Texarkana, Ark., to the Texarkana, Tex., group, and (5) to cancel note to rule 80 of perishable protective tariff No. 2, Agent Dearborn's I. C. C. No. 1, found not justified except as indicated in the report. Respondents required to cancel proposed schedules found not justified and authorized to file new schedules in conformity with the findings herein.

United Iron Works v. *Director General*, 83 I. C. C. 282.

49. Rate assessed on a carload of sand shipped from Kansas City, Mo., to Okmulgee, Okla., found unreasonable. Reparation awarded.

Klein-Simpson Fruit Co. v. *A., T. & S. F. Ry. Co.*, 83 I. C. C. 285.

50. Rate on apples, in carloads, from Los Angeles, Calif., to Phoenix, Ariz., found unreasonable. Reparation awarded.

Morgan & Miller v. *Director General*, 83 I. C. C. 287.

51. Rate on barley, in carloads, from Lodi, Calif., to Portland, Oreg., found to have been unreasonable. Reparation awarded.

Armour & Co. v. *P. R. R. Co.*, 83 I. C. C. 289.

52. Rates on frozen lambs, in carloads, between Merchants Refrigerator, Jersey City, N. J., and points within lighterage limits of New York Harbor in the State of New York found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Furniture to Denver, 83 I. C. C. 293.

53. Proposed increased rates on furniture, other than certain articles of bedroom furniture, in straight or mixed carloads, to Denver and other Colorado common points from western trunk-line territory, on and east of the Missouri River, and from the Memphis, Tenn., group, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

N. W. Steel Co. v. *Director General*, 83 I. C. C. 298.

54. Reparation awarded on account of overcharges collected on steam turbines shipped in carloads from Schenectady, N. Y., and Trenton, N. J., to Portland, Oreg. Original report, 68 I. C. C., 195.

Wolfe & Co. v. *Director General*, 83 I. C. C. 301.

55. Charges collected on cotton shipped from points on the Sugar Land Railway to Houston, Tex., for concentration, thence reshipped to Galveston, Tex., for export, found to have been unreasonable. Reparation awarded.

Standard Rice Co. v. *G., H. & S. A. Ry. Co.*, 83 I. C. C. 305.

56. Carload shipment of clean rice from Houston, Tex., to Albuquerque, N. Mex., found to have been overcharged. Applicable rate found not unreasonable. Reparation awarded.

LaFayette Box Board & Paper Co. v. *Director General*, 83 I. C. C. 307.

57. Rate on straw in carloads, from York Switch and Free, Ind., to LaFayette, Ind., during Federal control, found to have been unreasonable. Reparation awarded.

Omaha Chamber of Commerce v. *Director General*, 83 I. C. C. 310.

58. Rate on cinders, in carloads, shipped from South Omaha to Fort Crook, Nebr., during Federal control, found unreasonable. Reparation awarded.

Hale-Halsell Co. v. *C., R. I. & P. Ry. Co.*, 83 I. C. C. 313.

59. Rates on certain kinds of paper in carloads from Shawano and Menasha, Wis., and from St. Joseph, Mo., to McAlester, Muskogee, Tulsa, and Durant, Okla., found unreasonable. Reparation awarded.

Seaboard By-Product Coke Co. v. *Director General*, 83 I. C. C. 315.

60. Rates on bituminous coal, in carloads, from points in West Virginia to Elizabethport and Jersey City, N. J., found unreasonable. Reparation awarded.

Iten Biscuit Co. v. *A., T. & S. F. Ry. Co.*, 83 I. C. C. 317.

61. Rates on fiber-board boxes knocked down, in carloads, from Omaha, Nebr., to Oklahoma City, Okla., found unreasonable. Reparation awarded.

Crown Willamette Paper Co. v. *Director General*, 83 I. C. C. 320.

62. Rates on sulphate of alumina, in carloads, from Nichols, Calif., to Portland and Lebanon, Oreg., found unreasonable. Reparation awarded.

Citizens Gas Co. v. *C., C., C. & St. L. Ry. Co.*, 83 I. C. C. 323.

63. Rate on coke, in carloads, from Indianapolis, Ind., to Omaha, Nebr., found not unreasonable. Complaint dismissed.

Eric Corp. v. *I. & G. N. Ry. Co.*, 83 I. C. C. 325.

64. Rate applicable on sisal, in carloads, from Galveston, Tex., to Auburn, N. Y., found not unreasonable or otherwise unlawful. Refund of overcharges directed, and complaint dismissed.

National Retail Coal Merchants' Asso. v. *B. & O. R. R. Co.*, 83 I. C. C. 328.

65. Rules, regulations, and practices relating to the weighing and reweighing of anthracite and bituminous coal and coke, in carloads, found not unreasonable or unlawful. Complaint dismissed.

Winter & Ross v. *G. N. Ry. Co.*, 83 I. C. C. 331.

66. Rate on imported antimony regulus, in carloads, from Seattle, Wash., to Chicago, Ill., found not unreasonable. Complaint dismissed.

Central Pa. Lumber Co. v. *Director General*, 83 I. C. C. 333.

67. Rate on lumber, in carloads, from Masten, Pa., via Towanda, Pa., to York, Pa., during Federal control, found not to have been unreasonable. Complaint dismissed.

Amer. Stockmen's Supplies Asso. v. *C., R. I. & P. Ry. Co.*, 83 I. C. C. 334.

68. Third-class rating applicable to the transportation of feed, animal or poultry, prepared, condimental or medicinal, including condition powders, regulators, and tonics, in bulk in bags, barrels, boxes, or pails, in less than carloads, from points in Illinois, Indiana, Iowa, Kansas, Massachusetts, Minnesota, Missouri, Nebraska, Ohio, and Pennsylvania to points in western classification territory, found not unreasonable. Complaint dismissed.

Sunderland Bros. Co. v. *Director General*, 83 I. C. C. 337.

69. Rates on crushed limestone, in carloads, from Whitestone, Ga., to Lincoln and York, Nebr., found not unreasonable or otherwise unlawful. Complaint dismissed.

Kaw Boiler Works Co. v. *Director General*, 83 I. C. C. 339.

70. Demurrage charges collected on a carload of boiler makers' equipment from Ranger, Tex., to Wynona, Okla., found not unreasonable or otherwise unlawful. Complaint dismissed.

Tuffli Bros. Pig Iron & Coke Co. v. *P., C., C. & St. L. R. R. Co.*, 83 I. C. C. 341.

71. Rate applicable on coke, in carloads, from Indianapolis, Ind., to Marshalltown, Iowa, found not unreasonable. Refund of overcharges directed. Complaint dismissed.

Saginaw Milling Co. v. *Director General*, 83 I. C. C. 343.

72. Rates on wheat in carloads, from Saginaw and other points in Michigan to Statesville, N. C., found not unreasonable or otherwise unlawful. Complaint dismissed.

Sebastopol Berry Growers Asso. v. *Amer. Ry. Express Co.*, 83 I. C. C. 345.

73. Express rate on berry boxes shipped flat, in packages, from Raymond, Wash., to Sebastopol, Calif., found not unreasonable. Complaint dismissed.

Kellerman v. *Director General*, 83 I. C. C. 347.

74. Charges collected on a carload of malaga grapes shipped by express from Holtville, Calif., to Pittsburgh, Pa., and reconsigned to Buffalo, N. Y., found to have been applicable and not unreasonable or otherwise unlawful. Complaint dismissed.

Barnes Automobile Co. v. *D., T. & I. R. R. Co.*, 83 I. C. C. 350.

75. Rate on automobiles, in carloads, from Detroit, Mich., to Madisonville, Ky., found not unreasonable or unduly prejudicial. Complaint dismissed.

Anguish v. *A. & V. Ry. Co.*, 83 I. C. C. 353.

76. Rates on watermelons, in carloads, from points in Georgia, Florida, and Alabama to Chicago and Peoria, Ill., and Milwaukee, Wis., found unreasonable to the extent that they exceeded, exceed, or may exceed the aggregate of the intermediate rates. Reparation awarded.

New Jersey Zinc Co. v. *B. & A. R. R. Co.*, 83 I. C. C. 356.

77. Rates on coke, in carloads, from Everett, Mass., to points in central eastern Pennsylvania found unreasonable. Reparation awarded.

Butcher v. *Director General*, 83 I. C. C. 359.

78. Charges assessed on shipments of coal from Higginsville and Macon, Mo., and Cornell, Kans., to Argentine, Kans., found illegal. Reparation awarded.

General Gas Light Co. v. *A. G. S. R. R. Co.*, 83 I. C. C. 361.

79. Under the consolidated classification rating applied on Radiantfire heaters, in carloads, found unreasonable; reasonable carload rating prescribed for the future; third-class rating found applicable on less-than-carload shipments.

Portland Flouring Mills Co. v. *N. P. Ry. Co.*, 83 I. C. C. 366.

80. Refrigerator cars furnished by the Northern Pacific Railway Company in lieu of box cars for the transportation of flour from Dayton, Wash., to Memphis, Tenn., found to have been for carrier's convenience and to have resulted in the collection of minimum carload charges which were unreasonable. Reparation awarded.

Lawrence v. *Director General*, 83 I. C. C. 369.

81. Three carloads of building stone from Bedford, Ind., to Chapel Hill, N. C., found overcharged. Reparation awarded.

Weldon, Williams & Lick v. *A., T. & S. F. Ry. Co.*, 83 I. C. C. 371.

82. Rates on paper-lined chip board, in carloads, from Indianapolis, Ind., to Fort Smith, Ark., found unreasonable. Reparation awarded.

Du Pont De Nemours & Co. v. *Director General*, 83 I. C. C. 374.

83. Rates on nitrate of ammonia, in carloads, from Du Pont Spur, Wash., to Ramsay, Mont., found not unreasonable. Complaint dismissed.

Pioneer Paper Co. v. *Director General*, 83 I. C. C. 377.

84. Rate assessed on one carload of prepared roofing paper and building paper shipped from Los Angeles, Calif., to East Ely, Nev., during Federal control, found applicable and unreasonable. Reparation awarded.

Pittman Co. v. *Director General*, 83 I. C. C. 380.

85. Rates on wooden handles, in carloads, from Waco, Tex., to Canton, Ohio, and Pittsburgh, Pa., found unreasonable. Reparation awarded.

Hazard Jellico Coal Co. v. *Director General*, 83 I. C. C. 383.

86. Rate for the transportation of one refrigerator carload of ice from Louisville, Ky., to Harveyton, Ky., during Federal control, found unreasonable. Reparation denied.

Weber Flour Mills Corp. v. *U. P. R. R. Co.*, 83 I. C. C. 385.

87. Switching charges on wheat, in carloads, at Kansas City, Mo-Kans., found unreasonable. Reparation awarded.

Carolina Portland Cement Co. v. *Director General*, 83 I. C. C. 388.

88. Reconsignment and the charges therefor are determined by the tariffs in effect on date of original shipment.

89. Four carloads of shingles, from points in British Columbia and the State of Washington to destinations in Mississippi and Alabama, one of which was reconsigned at Minnesota Transfer, Minn., and again at Memphis, Tenn., and the other three at Memphis, found to have been overcharged. Reparation awarded.

Mid-Continent Equipment & Machinery Co. v. *M. S. R. R. Co.*, 83 I. C. C. 393.

90. Rates applicable on relay track rails and angle bars, in mixed carloads, from Bunker, Mo., to El Paso, Tex., Chenoa, Ky., and Percy, Macomb, and Federal, Ill., found not unreasonable. Complaints dimissed.

Sonora v. *D., L. & W. R. R. Co.*, 83 I. C. C. 399.

91. Rate on talking-machine operating and sound mechanism assemblies from New York, N. Y., and Newark and Harrison, N. J., to Saginaw, Mich., during April, May, and July, 1920, found not unjust or unreasonable. Complaint dismissed.

Olympic Portland Cement Co. v. *Director General*, 83 I. C. C. 402.

92. Rate on limerock, in carloads from Balfour, Wash., to a point adjacent to Bellingham, Wash., during Federal control, found to have been not unreasonable or unduly prejudical. Complaint dismissed.

Koine v. *M. C. R. R. Co.*, 83 I. C. C. 407.

93. Complaint alleging unjust discrimination and undue prejudice by the refusal of defendant at Buffalo, N. Y., to accept Canadian currency at par in payment for two round-trip tickets from that place to Huntsville, Ontario, Canada, not sustained. · Complaint dismissed.

Scharff & Co. v. *S. Ry. Co.*, 83 I. C. C. 409.

94. Rate on scrap paper, in carloads, from Augusta, Ga., to Chattanooga, Tenn., found not unreasonable or otherwise unlawful. Complaint dismissed.

Mexican Gulf Oil Co. v. *Director General*, 83 I. C. C. 411.

95. Rate on wrought-iron pipe, in carloads, from Pittsburgh, Pa., and Steubenville, Ohio, to Beaumont, Tex., for export found not to have been unreasonable or otherwise unlawful. Complaints dismissed.

Elk Refining Co. v. *B. & O. R. R. Co.*, 83 I. C. C. 414.

96. Provision that joint rates on petroleum and its products from Falling Rock, W. Va., to various eastern destinations will not apply via Charleston, W. Va., found not unreasonable or otherwise unlawful. Complaint dismissed.

Dixie Portland Cement Co. v. *Director General*, 83 I. C. C. 417.

97. Rates applicable on cement, in carloads, from Richard City, Tenn., to Miami, Daytona, Cocoanut Grove, West Palm Beach, and Canal Port, Fla., found not unreasonable, but shipments found misrouted. Collection of undercharges waived, and complaint dismissed.

Fies & Sons v. *M. P. R. R. Co.*, 83 I. C. C. 421.

98. Rate charged on three carloads of horses and mules from North Little Rock, Ark., to Birmingham, Ala., found not unreasonable. Complaint dismissed.

Asphalt to points in Ark., 83 I. C. C. 424.

99. Proposed rates on asphalt in straight carloads and in mixed carloads with building cement, coal tar, coal-tar paving cement, roofing pitch, and stucco from New Orleans, La., and points taking the same rates to Arkansas destinations found justified. Order of suspension vacated.

Shafer Lumber Co. v. *Director General*, 83 I. C. C. 427.

100. Charges collected for switching six carloads of lumber at Cairo, Ill., during Federal control, found illegal. Reparation awarded.

Republic Iron & Steel Co. v. *B. & O. R. R. Co.*, 83 I. C. C. 429.

101. Rate on bituminous coal, in carloads, from Russellton, Pa., to Youngstown, Ohio, found not unreasonable. Complaint dismissed.

Acid between points in the Chicago switching district, 83 I. C. C. 432.

102. Proposed increased rate on muriatic, nitric, and sulphuric acids, in tank cars to be furnished by shipper, between certain stations on respondent's line in Indiana and Illinois, found justified. Order of suspension vacated.

Stewart-Warner Speedometer Corp. v. *Director General*, 83 I. C. C. 435.

103. Upon further hearing additional reparation awarded on shipments from Chicago, Ill., to Pacific coast points of speedometers, speedometer heads, and connections. Original report, 64 I. C. C. 541.

Sand and gravel to the southeast, 83 I. C. C. 436.

104. Proposed rates on sand and gravel, in carloads, from stations on the Charleston & Western Carolina Railway to the Southeast found justified. Order of suspension vacated and proceeding discontinued.

Lawton Refining Co. v. *Director General*, 83 I. C. C. 443.

105. Findings in original report, 62 I. C. C. 480, and report on further consideration, 73 I. C. C. 121, that rate of 9 cents per 100 pounds on shipments of crude petroleum, in carloads, from Junction City to Lawton, Okla., during Federal control was unreasonable and that reparation should be awarded, affirmed on further oral argument.

Boston Wool Trade Asso. v. *A., T. & S. F. Ry. Co.*, 83 I. C. C. 445.

106. Complainant attacks the failure of Pacific Ocean carriers to comply with routing instructions shown in through prepaid bills of lading or given prior to delivery to American rail carriers in connection with shipments of wool from Australia and New Zealand to Boston, Mass., and other destinations; the assessment of charges on such shipments in addition to those collected at point of origin; and the failure to refund amounts in excess of charges applicable over the route of movement. Complainant also seeks the establishment of through routes and joint rates applicable to such shipments. Complaint dismissed for want of jurisdiction.

Transit on Lumber and Forest Products, 83 I. C. C. 451.

107. Proposed restriction of joint rates on lumber and other forest products originating on the lines of the Chicago, Milwaukee & St. Paul Railway in Washington and Idaho, and delivered to connections at short-haul junctions, so as not to be subject to transit arrangements at stations in Washington, Idaho, or Montana on the lines of such connections found justified in part. Suspended schedules ordered canceled without prejudice to the filing of schedules carrying into effect the restrictions found justified. Proceeding discontinued.

Sand and gravel from Canada, 83 I. C. C. 460.

108. Proposed increases in rates on sand, in carloads, from Sherks, Ontario, to points in New York and Pennsylvania found not justified. Suspended schedules ordered canceled without prejudice to the filing of schedules establishing certain reductions proposed by respondent.

Commercial Coal Co. v. *L. & N. R. R. Co.*, 83 I. C. C. 464.

109. Rates on coal, in carloads, from mines of complainants on the eastern Kentucky division of the Louisville & Nashville Railroad to Louisville, Ky., when destined beyond, to Cincinnati, Ohio, and to points west of the Indiana-Illinois State line found not unjust or unreasonable but found unduly prejudicial. Undue prejudice ordered removed.

Homer Furnace Co. v. *Director General*, 83 I. C. C. 468.

110. Rates on pig iron, in carloads, from Detroit, Mich., to Coldwater, Mich., during Federal control, and from Toledo, Ohio, to Coldwater, Mich., since November 1, 1919, found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rate from Toledo to Coldwater prescribed for the future. Reparation awarded.

White Star Line v. *N. Y. C. R. R. Co.*, 83 I. C. C. 473.

111. Refusal of certain defendants to establish through routes and joint rates with complainant found unduly prejudicial.

112. Defendants required to establish through routes and joint rates with complainant from Port Huron and Detroit, Mich., to destinations in Ohio and other States.

General Motors Corp. v. *Director General*, 83 I. C. C. 479.

113. Rate on unwashed bank gravel, in carloads, from Kelly's pit (Grand Rapids), to Detroit, Mich., during Federal control, found unreasonable. Reparation awarded.

Trojan Powder Co. v. *P. & R. Ry. Co.*, 83 I. C. C. 481.

114. Rates on nitrate of soda, in carloads, from New York, N. Y., to Seiple, Pa., found unreasonable and unduly prejudicial. Reparation awarded.

Globe Grain & Milling Co. v. *Director General.* 83 I. C. C. 483.

115. Shipments of barley, in carloads, from Modesto, Encinal, and Corcoran, Calif., to New York, N. Y., for export, found not misrouted and rates applicable found not unreasonable.

116. Shipments found overcharged. Reparation awarded.

Floyd & Co. v. *A. & M. R. R. Co.*, 83 I. C. C. 485.

117. Rates and rating on burnt cotton saturated with water, in carloads and less than carloads, from southern territory points to Savannah, Ga., found not unreasonable. Complaint dismissed.

Holly Sugar Corp. v. *Director General*, 83 I. C. C. 488.

118. Rates on beet-sugar factory refuse sirup, in tank car-loads, from Delta, Springville, and Layton, Utah, to La Bolsa, Calif., during Federal control, found unreasonable. Reparation awarded.

Calif. Packing Corp. v. *Director General*, 83 I. C. C. 490.

119. Carload of canned fruits and vegetables shipped from Sacramento, Calif., to Phoenix, Ariz., found not to have been misrouted but the rate applicable over the route of movement found unreasonable. Reparation awarded.

Semet-Solvay Co. v. *Director General*, 83 I. C. C. 492.

120. Charges on oil of coal tar, light, from the destructive distillation of coal, in tank-car loads, from Portsmouth and Ironton, Ohio, to Solvay, N. Y., found not unreasonable on and after June 1, 1918, but unreasonable prior to that date to the extent that they exceeded those which would have accrued at actual weight. Reparation awarded.

Fairbanks, Morse & Co. v. *Director General*, 83 I. C. C. 496.

121. Rate on sand, in carloads, from Michigan City, Ind., to Beloit, Wis., found unreasonable. Reparation awarded.

Fidelity Lumber Co. v. *L. & P. Ry. Co.*, 83 I. C. C. 499.

122. Rate charged on a dredging machine from Longville, La., to Doucette, Tex., found unreasonable to the extent that it exceeded the aggregate of intermediate rates. Reparation awarded.

Wagner v. *Director General*, 83 I. C. C. 501.

123. Rate charged on carload shipments of gravel from Benton Harbor, Mich., to Ecorse, Mich., during Federal control, found unreasonable. Reparation awarded.

Wood, Iron & Steel Co. v. *P. R. R. Co.*, 83 I. C. C. 503.

124. Rates on steel products, in carloads, from Ivy Rock, Conshohocken, Pencoyd, Coatesville, Philadelphia, and Phoenixville, Pa., and Wilmington, Del., to New York, N. Y., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Abbott v. *Director General*, 83 I. C. C. 508.

125. Rates applicable on rough rice, in carloads, from points in Arkansas to Welsh and Jennings, La., between October, 1919, and March, 1920, found unreasonable to the extent that they exceeded the aggregates of intermediate rates contemporaneously in effect. Reparation awarded.

126. Rate applicable during the same period on rough rice, in carloads, from Dudley, Mo., to Welsh, La., found not unreasonable or otherwise unlawful.

Watters-Tonge Lumber Co. v. *Director General*, 83 I. C. C. 512.

127. Demurrage and penalty charges on one carload of lumber shipped from Boyd, Fla., to West Point, Ga., found to have been inapplicable. Reparation awarded.

Olney-Hart v. *C., M. & St. P. Ry. Co.*, 83 I. C. C. 514.

128. Rates on speedometers, speedometer heads, and speedometer connections, in less than carloads, from Chicago, Ill., to Spokane, Wash., found unreasonable. Reparation awarded.

Whalen Pulp & Paper Mills v. *Director General*, 83 I. C. C. 516.

129. Rates charged on crude sulphur in carloads from Bryanmound, Tex., to Swanson Bay, British Columbia, shipped during Federal control, found to have been applicable, and claims for reparation on account of alleged misrouting barred by the statute of limitations. Complaint dismissed.

Eastern Tex. Electric Co. v. *Director General*, 83 I. C. C. 518.

130. Rate on fuel oil, in tank-car loads, from West Port Arthur to Beaumont, Tex., during Federal control, found not unreasonable. Complaint dismissed.

L'anguille River Ry. Co. v. *I. C. R. R. Co.*, 83 I. C. C. 521.

131. Rates on lump coal, in carloads, from mines in western Kentucky on the Illinois Central and Louisville & Nashville to Marianna, Ark., found not unreasonable or otherwise unlawful. Complaint dismissed.

Hayward Bros. Shoe Co. v. *C., M. & St. P. Ry. Co.*, 83 I. C. C. 525.

132. Rate charged on rubber arctics, in carloads, from Seattle, Wash., to Omaha, Nebr., found not unreasonable. Complaint dismissed.

Seaboard By-Product Coke Co. v. *D., L. & W. R. R. Co.*, 83 I. C. C. 527.

133. Rate on sulphate of ammonia, in carloads, from Seaboard, N. J., to New York, N. Y., for export, found not unreasonable or otherwise unlawful. Complaints dismissed.

National Petroleum Asso. v. *A., T. & S. F. Ry. Co.*, 83 I. C. C. 530.

134. Defendants' rule requiring that weights and charges on petroleum and its products, in tank cars, to Pacific coast territory be based on 6,000 gallons minimum found unreasonable as applied to tank cars of less capacity. Reparation awarded.

Hale-Halsell Co. v. *A. & V. Ry. Co.*, 83 I. C. C. 535.

135. Rates on sugar, in carloads, from New Orleans, La., Sugarland, Tex., and related points to Hugo and Durant, Okla., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

136. Fourth-section relief denied.

Tex. Chamber of Commerce v. *Director General*, 83 I. C. C. 538.

137. Rates on collapsible wooden fruit and vegetable crates from Paris and Mineola, Tex., to Thermal, Indio, Coachella, and Brawley, Calif., found to have been and to be unreasonable. Measure of maximum reasonable rates prescribed and reparation awarded.

Grain and grain products to Clarksville and Nashville, 83 I. C. C. 543.

138. Proposed rates on grain and grain products from certain points on the Louisville & Nashville in Illinois to Clarksville and Nashville, Tenn., involving increases and reductions, found justified. Order of suspension vacated and proceeding discontinued.

Canned goods to c. f. a. points, 83 I. C. C. 547.

139. Proposed increased rates on canned goods moving in interstate commerce from Princeton, Ind., to Evansville, Ind., Louisville, Ky., East St. Louis, Ill., and St. Louis, Mo., found justified. Order of suspension vacated and proceeding discontinued.

Aunt Jemima Mills Co. v. *Director General*, 83 I. C. C. 549.

140. Rates on pancake flour, in carloads, from St. Joseph, Mo., to Helena, Butte, and Great Falls, Mont., Spokane, Tacoma, Seattle, and Wenatchee, Wash., Portland, Oreg., and Vancouver, British Columbia, during Federal control, found unreasonable. Reparation awarded.

Bernstein Mfg. Co. v. *Director General*, 83 I. C. C. 551.

141. Rate on imported kapok, in carloads, from San Francisco, Calif., to Philadelphia, Pa., found unreasonable. Reparation awarded.

Mifflin-Hood Brick Co. v. *Director General*, 83 I. C. C. 553.

142. Rate on acid-condensing rings, in carloads, from Melville, Tenn., to Jackson, Miss., found unreasonable. Reparation awarded.

Western Terra Cotta Co. v. *M., K. & T. Ry. Co.*, 83 I. C. C. 555.

143. Rate on common clay, in carloads, from Calhoun, Mo., to Kansas City, Kans., found unreasonable. Reasonable rate for the future prescribed and reparation awarded.

Rosenberg Bros. & Co. v. *Director General*, 83 I. C. C. 557.

144. Upon further hearing, reparation awarded to Pacific Rice Mills and Natoma Rice Milling Company. Original report, 69 I. C. C. 103.

Amer. Sugar Refining Co. v. *Director General*, 83 I. C. C. 560.

145. Rate on imported blackstrap molasses, in tank-car loads, from Key West, Fla., to Pekin, Ill., and South St. Joseph, Mo., found not unreasonable. Complaint dismissed.

Conn. Mfrs. Asso. v. *Director General*, 83 I. C. C. 563.

146. Rates on bituminous coal, in carloads, from certain Long Island Sound ports in Connecticut and Rhode Island to inland Connecticut destinations during Federal control found to have been unreasonable. Reparation awarded.

Utah-Idaho Sugar Co. v. *Director General*, 83 I. C. C. 566.

147. Rates on sugar, in carloads, from Garland and Lehi, Utah, to Rock Springs, Wyo., found not unreasonable or unjustly discriminatory; but rates from Garland to Rawlins, Superior, and Hanna, Wyo., and from Lehi to Rawlins found unreasonable. Reparation awarded.

What Cheer Beef Co. v. *N. Y., N. H. & H. R. R. Co.*, 83 I. C. C. 569.

148. Defendant's refusal to spot complainant's shipments at a certain point found not unduly prejudicial or otherwise unlawful. Complaint dismissed.

Carnie-Goudie Mfg. Co. v. *Director General*, 83 I. C. C. 573.

149. Charges collected on a less-than-carload shipment of gas masks from Norfolk, Va., to Kansas City, Mo., found not unreasonable. Complaint dismissed.

Amer. Cone & Pretzel Co. v. *C., B. & Q. R. R. Co.*, 83 I. C. C. 575.

150. Rates on ice-cream cones from St. Louis, Mo., to destinations in California, Oregon, and Washington found not unreasonable. Complaint dismissed.

Ind. State Highway Comm. v. *C., R. I. & P. Ry. Co.*, 83 I. C. C. 577.

151. Sixth-class rate on brick, in carloads, from Rock Island, Ill., to Indianapolis, Ind., in March and April, 1922, found not unreasonable. Complaint dismissed.

Helmerichs Tobacco Co. v. *E. St. L. C. Ry. Co.*, 83 I. C. C. 579.

152. Rates on leaf tobacco, in carloads, from Hartford, Conn., New York, N. Y., Landisville and New Holland, Pa., and Edgerton, Wis., to St. Louis, Mo., found not unreasonable. Complaints dismissed.

General Chemical Co. v. *B. & O. R. R. Co.*, 83 I. C. C. 582.

153. Rates on crude sulphur and crude brimstone, in carloads, from Baltimore, Md., to Newell, Pa., and Willow, Ohio, found not unreasonable. Complaint dismissed.

Amendt Milling Co. v. *M. C. R. R. Co.*, 83 I. C. C. 585.

154. Charges collected on a carload of sunflower seed shipped from Albany, N. Y., to Monroe, Mich., including advanced charges of boat line for transportation to Albany and cartage charges at that point, found not unreasonable or otherwise unlawful. Complaint dismissed.

Hohlfelder v. *D. & R. G. W. R. R. Co.*, 83 I. C. C. 587.

155. Complaint by which reparation is asked for the cost of certain additional passenger fares assumed by complainant because of defendants' failure to maintain a particular time schedule, dismissed.

Memphis Freight Bureau v. *L. & N. R. R. Co.*, 83 I. C. C. 589.

156. Rate charged on a carload of coal from Cleaton, Ky., to Drew, Miss., reconsigned to Belzoni, Miss., found applicable and not unreasonable or otherwise unlawful. Complaint dismissed.

Ind. State Chamber of Commerce v. *B. & O. R. R. Co.*, 83 I. C. C. 591.

157. Rates on coal from Ohio and the Inner Crescent to certain points in affected territory in Indiana found unduly prejudicial to the extent indicated in the report.

Wichita Falls & Southern passenger fares and charges, 83 I. C. C. 603.

158. Intrastate passenger fares, and charges upon passengers in sleeping and parlor cars, required by authority of the State of Texas to be maintained by the Wichita Falls & Southern and Cisco & Northeastern found not to present such substantial disparity when considered in connection with the interstate fares, and charges upon passengers in sleeping and parlor cars, maintained by the said carriers, as to result in undue preference of persons and localities in intrastate commerce, undue prejudice to persons and localities in interstate commerce, or unjust discrimination against interstate commerce. Petitions denied and proceeding discontinued.

Express rates, 83 I. C. C. 606.

159. Formula governing the construction and application of first-class and second-class express rates per 100 pounds and graduated package charges thereunder described.

160. Increased interstate express rates and charges prayed in petitions filed by the American Railway Express Company found not justified.

161. Interstate main-block and subblock express rates and charges applicable within and between the several express-rate zones found for the future to be unreasonable and unduly prejudicial and preferential to the extent that they may exceed rates and charges constructed on the respective bases outlined in the report.

162. For the construction and application of the revised rates and charges, and to bring about a closer coincidence between the rate zones and the accounting groups under the uniform contract between the American Railway Express Company and the rail lines over which it operates, the United States to be divided into three rate zones delimited by parallels of latitude and meridians of longitude as described in the report.

163. For the statement and application of the rates and charges a revised table of scales of first-class and second-class rates per 100 pounds and graduated charges thereunder to be compiled as outlined in the report.

164. Present interstate commodity rates applicable to articles of food found unreasonable for the future to the extent that they may respectively exceed the rates in effect on October 12, 1920, from and to the same points. Appropriate order entered.

165. Classification rating of first class applicable to racing or homing pigeons for interstate transportation found unreasonable to the extent that it exceeds or may exceed a rating of second class for hauls not exceeding 400 miles. Appropriate order entered.

166. Classification rating of double first class applicable to the interstate transportation of "Furniture, bamboo, cane, fiber, grass, rattan, reed, or willow," found not unreasonable, but that rating and corresponding rating of first class applicable to wooden furniture found unduly prejudicial to complainants and their traffic and unduly preferential of shippers of wooden furniture and their traffic to the extent that the rating on fiber or on reed furniture exceeds or may exceed the contemporaneous rating on wooden furniture. Appropriate order entered.

167. No finding made respecting express rates on milk and cream; and carload minimum weight, classification ratings, and rates respectively applicable to various commodities referred to in the report found not unlawful.

Grand Rapids Plaster Co. v. *L. S. & M. S. Ry. Co.*, 83 I. C. C. 682.

168. Relief from the long-and-short-haul provision of the fourth section on plaster, stucco, and other gypsum products, in carloads, moving from Centerville, Iowa, to Chicago, Ill., and contiguous points in Illinois and Indiana, and to Milwaukee, Wis., and on the same commodities from Fort Dodge, Iowa, to points in Illinois, denied for failure of proof. Former reports, 34 I. C. C., 202, and 41 I. C. C. 1.

Absorption of icing and re-icing charges on dairy products, 83 I. C. C. 686.

169. Proposed cancellation of rule regulating absorption of icing and re-icing charges on less-than-carload shipments of dairy products, and application of more restrictive regulations, found not justified. Suspended schedules ordered canceled.

Heacock Co. v. *C., B. & Q. R. R. Co.*, 83 I. C. C. 691.

170. Rates on corn, in carloads, from Shubert, Falls City, and Preston, Nebr., to Texas City, Tex., for export, found unreasonable. Reparation awarded.

Back-haul charges on grain, grain products, and feed, 83 I. C. C. 693.

171. Back-haul charge proposed by respondent Chesapeake & Ohio for application at Huntington, W. Va., on grain and grain products accorded transit at that point and reforwarded to points on respondent's Big Sandy division found justified. Order of suspension vacated.

Grain and grain products to Texas, 83 I. C. C. 695.

172. Proposed joint rates lower than existing combinations on intermediate markets on grain, grain products, and articles taking the same rates, in carloads, from points in Iowa, Minnesota, and South Dakota on the Chicago, Milwaukee & St. Paul and the Chicago Great Western to destinations in Texas on the Missouri-Kansas-Texas found unlawful in part. Suspended schedules ordered canceled without prejudice to the establishment of rates in conformity with the findings.

Western Petroleum Refiners Asso. v. *St. L.-S. F Ry. Co.*, 83 I. C. C. 702.

173. Rule for computing estimated weight on shipments of petroleum and its products in tank cars under the consolidated classification found not unjust or unreasonable.

Standard Oil Co. v. *Director General*, 83 I. C. C. 705.

174. Rate charged on seven tank-car loads of gasoline and refined oil from North Baton Rouge, La., to Carrollton, Ala., found unjust and unreasonable. Reparation denied for lack of proof of payment and bearing of freight charges.

Empire Refineries v. *A., T. & S. F. Ry. Co.*, 83 I. C. C. 706.

175. Rates on gas and fuel oils, in tank-car loads, from various refining points in Kansas and Oklahoma to Lincoln and Fremont, Nebr., found to have been unreasonable. Reparation awarded.

Brier Hill Steel Co. v. *B. & O. R. R. Co.*, 83 I. C. C. 709.

176. Rates on limestone, in carloads, from Shaw Junction, Hillsville, and Walford, Pa., to Youngstown, Ohio, found not unreasonable. Complaint dismissed.

Minimum class rates from Atlantic seaboard, 83 I. C. C. 711.

177. Proposed increase in minimum class rates from New York, N. Y., Philadelphia, Pa., and Baltimore, Md., and points taking the same rates, to Arkansas and Louisiana found not justified. Suspended schedules ordered canceled and proceeding discontinued.

United Paperboard Co. v. *G. & J. Ry. Co.*, 83 I. C. C. 712.

178. Rate on bird's-eye coal from Group A, B, and C mines in Pennsylvania to Thomson, N. Y., found unreasonable. Reparation awarded.

Lookout Oil & Refining Co. v. *A. & V. Ry. Co.*, 83 I. C. C. 715.

179. Rates on solidified cottonseed oil, in bags, in carloads, from Chattanooga, Tenn., to East St. Louis, Ill., and Sherman, Tex., found unreasonable. Shipments to Chicago, Ill., and East St. Louis found to have been overcharged. Reparation awarded.

Du Pont de Nemours & Co. v. *Director General*, 83 I. C. C. 719.

180. Rate on dry-ground wood flour, in carloads, from Hercules, Calif., to Louviers, Colo., found unreasonable. Reparation awarded.

National League of Commission Merchants v. *Pa. R. R. Co.*, 83 I. C. C. 723.

181. Drayage charges incurred by complainants at New York, N. Y., in securing delivery of interstate shipments of fruits and vegetables, in carloads, during certain strikes found not the result of any violation of the interstate commerce act. Complaints dismissed.

Switching at stations in N. Dak., 83 I. C. C. 731.

182. Proposed charges for the switching of coal cars on mine spurs connecting with the Mandan north branch of the Northern Pacific in North Dakota found not justified. Suspended schedules ordered canceled.

Caddo Central Oil & Refining Corp. v. *Director General*, 83 I. C. C. 734.

183. Rate applicable during Federal control on naphtha, in tank-car loads, from Shreveport, La., to Marcus Hook, Pa., found not unreasonable. Complaint dismissed.

Nelson Fuel Co. v. *C. & O. Ry. Co.*, 83 I. C. C. 737.

184. Rates on coal, in carloads, from mines on the Greenbrier & Eastern Railroad to interstate destinations found unreasonable. Measure of reasonable rates prescribed.

United States War Department v. *A. & S. Ry.*, 83 I. C. C. 742.

185. Upon further hearing, former report 77 I. C. C., 317, relating to division of joint rates in which complainant and Southern Railway system lines participate; *Found* (1) That for the purpose of dividing such rates carriers composing Southern Railway system should be considered as a single line; (2) that divisions of rates to and from points in the Birmingham district proposed by Southern Railway system are just and equitable, with the exception that in no case should the divisions accruing to the rail lines out of the joint rates on certain specified commodities exceed 25 per cent of such rates.

Gypsum and plaster from Montana, 83 I. C. C. 753.

186. Proposed reduced rates and/or minimum weights on gypsum, plaster, stucco, and gypsum and plaster products, in straight or mixed carloads, or in mixed carloads with lime, from Montana points to destinations in Washington, Oregon, Idaho, and Montana found unduly prejudicial and not justified, with certain exceptions as set forth herein. Suspended schedules ordered canceled without prejudice, and proceeding discontinued.

Cairo Board of Trade v. *A. G. S. R. R. Co.*, 83 I. C. C. 761.

187. Local, proportional, and reshipping rates from Cairo, Ill., to certain points in Arkansas and Louisiana found not unreasonable or unduly prejudicial. Complaint dismissed.

NOTE.—Volume 84 I. C. C. is confined exclusively to valuation reports.

Mutual Products Trading Co. v. *O. W. R. R. & N. Co.*, 85 I. C. C. 1.

188. Unloading and handling charges collected on various iron and steel articles, in carloads, transferred from open cars directly into vessels by ship's sling and exported from Seattle, Wash., found unreasonable. Reparation awarded.

Cotton and cotton linters from Louisiana and Arkansas, 85 I. C. C. 5.

189. Increased rates on cotton and cotton linters from Louisiana points to New Orleans, La., Houston, Galveston, and Texas City, Tex., found not justified. Suspended schedules ordered canceled and proceeding discontinued, but without prejudice to the establishment of rates on the bases found reasonable.

Consolidated Press Asso. v. *W. U. T. Co.*, 85 I. C. C. 15.

190. Upon reargument, findings in former report, 73 I. C. C., 479, that rates charged on certain messages were applicable and not unreasonable or unduly prejudicial, affirmed.

Cheese from Wisconsin, 85 I. C. C. 18.

191. Proposed rates on cheese, in carloads and less than carloads, from Wisconsin points to Ohio River crossings when destined to southeastern and Carolina territories, found justified. Order of suspension in Investigation and Suspension Docket No. 1874 vacated and proceeding discontinued.

192. Present and proposed rates on like traffic found not unreasonable or unduly prejudicial. Complaint in No. 15114 dismissed.

Coal from Tennessee railroad stations, 85 I. C. C. 25.

193. Proposed increased rates on coal, in carloads, from points on the Tennessee Railroad to Louisville, Ky., Cincinnati, Ohio, and certain intermediate and farther distant points, found not justified. Suspended schedules required to be canceled and proceeding discontinued.

Minimum weight on silica from Southern Illinois, 85 I. C. C. 30.

194. Proposed increased carload minimum on silica from numerous southern Illinois producing points to destinations in eastern territory found not justified. Suspended schedules ordered canceled.

Varnish to Texas, 85 I. C. C. 33.

195. Proposed changes in items published in certain southwestern lines' tariffs pertaining to the application of rates on "varnish, solid colors," found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Tripoli to Western Trunk Line Territory, 85 I. C. C. 35.

196. Proposed rates on tripoli, ground, in carloads, from Seneca, Racine, Carthage, and Neosho, Mo., to St. Louis, Mo., and East St. Louis, Peoria, and Chicago, Ill., found justified. Order of suspension vacated.

Commodity Rates Between Upper Mississippi River Crossings, 85 I. C. C. 40.

197. Proposed cancellation of proportional commodity rates between Burlington, Clinton, and Keokuk, Iowa, on the one hand, and interior Iowa points and certain Minnesota and Missouri points on the other, applicable in connection with traffic from and to points east of the Indiana-Illinois State line, found not justified. Suspended schedules ordered canceled.

Transit privileges on Transcontinental Grain, 85 I. C. C. 43.

198. Proposed rule to govern transit at stations on the St. Louis-San Francisco Railway of grain originating west of the Missouri River and moving to Pacific coast terminals and intermediate points found not justified. Suspended schedules ordered canceled, and proceeding discontinued.

Traffic League v. *Ann Arbor R. R. Co.*, 85 I. C. C. 47.

199. Class rates and commodity rates bearing a direct relation thereto, between points in the Lower Peninsula of Michigan north of the main line of the Michigan Central Railroad from Detroit, Mich., to Chicago, Ill., and points in central freight association territory, found unreasonable and unduly prejudicial. Reasonable basis of rates prescribed.

Rates on sand, gravel, crushed stone, and vitrified paving blocks within Ohio, 85 I. C. C. 66.

200. Intrastate rates on sand, gravel, crushed stone, and vitrified paving block required by State authority to be maintained by respondents within the State of Ohio not shown to result in unjust discrimination against interstate commerce or in undue prejudice to persons or localities engaged therein. Proceeding discontinued.

Ariz. Corp. Comm. v. *A. E. R. R. Co.*, 85 I. C. C. 76.

201. Interstate passenger fares and charges to and from points in Arizona, Nevada, and New Mexico on the principal lines of defendants, except Grand Canyon Railway, found unreasonable and unduly prejudicial to the extent that they exceed similar fares and charges to and from points in other States.

202. Passenger fares and charges of Grand Canyon Railway, and local passenger fares and charges applicable between points on other lines of defendants, principally branch lines, located in Arizona, Nevada, and New Mexico, used as factors in making interstate fares and charges to and from points on such lines, found not unreasonable, unjustly discriminatory, or unduly prejudicial. Former report, 64 I. C. C., 253.

Wood pulp from International Falls, 85 I. C. C. 95.

203. Proposed increased rates on wet wood pulp, in carloads, from International Falls and other northern Minnesota points to central territory found justified. Order of suspension vacated.

Chicago Bridge & Iron Works v. *Director General*, 85 I. C. C. 99.

204. No damage shown to have resulted from undue prejudice found in 69 I. C. C. 761, to have existed in the rates on structural iron and steel, in carloads, from Pittsburgh, Pa., to eastern points, fabricated in transit at Greenville, Pa. Reparation denied.

Rule for constructing combination rates on forest products, 85 I. C. C. 101.

205. Proposed cancellation of the so-called Kelly rule for the construction of combination rates in its application to lumber and other forest products from north Pacific coast and inland points to destinations east of and including Chicago, Ill., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Coal from mines in Ill. to stations in Mo., 85 I. C. C. 105.

206. Proposed increased rates on bituminous coal from points in Illinois on the Mobile & Ohio Railroad to certain stations on the St. Louis-San Francisco Railway in Missouri found not justified. Suspended schedules ordered canceled.

Elimination of routing transcontinental traffic via Illinois junctions, 85 I. C. C. 108.

207. Elimination of through routes on transcontinental traffic from California and intermediate points to southeastern territory via Chicago, Ill., and other Illinois junction points found justified. Order of suspension vacated and proceeding discontinued.

Marshall and Jefferson v. *T. & P. Ry. Co.*, 85 I. C. C. 115.

208. Rates from Kansas City, Mo., St. Louis, Mo., Memphis, Tenn., and New Orleans, La., and points in defined territories related to or based thereon, also Atlantic seaboard territory, to Marshall and Jefferson, Tex., found unduly prejudicial to those points and unduly preferential of Shreveport, La.

209. Rates from the points above described to Marshall and Jefferson, Tex., found unreasonable to the extent that they exceeded the aggregate of intermediate rates.

210. Fourth-section relief denied.

211. Reparation denied on the present record.

Jurisdiction over depreciation charges of W. Ry. & E. Co., 85 I. C. C. 126.

212. The Washington Railway & Electric Company, together with its affiliated electric companies, found not to be a common carrier subject to the interstate commerce act, and hence not under the commission's jurisdiction to prescribe depreciation charges under paragraph (5) of section 20 of the act.

Cotton Mfrs.' Asso. v. *C., C. & O. Ry.*, 85 I. C. C. 131.

213. On rehearing, finding in 57 I. C. C., 584, of unreasonableness of rates on bituminous coal, in carloads, from Appalachia district, in Virginia, to Spartanburg, S. C., and points beyond, between October 15, 1911, and December 31, 1915, affirmed.

Focke v. *G., H. & S. A. Ry. Co.*, 85 I. C. C. 137.

214. Rates on sugar, in carloads, from New Orleans, La., rate points to Galveston, Tex., found unreasonable. Reparation awarded.

Beaumont Chamber of Commerce v. *Director General*, 85 I. C. C. 139.

215. Rates on rough rice, in carloads, to Beaumont and Eagle Lake, Tex., from points in Arkansas and Louisiana, found unreasonable. Reparation awarded and reasonable maximum rates prescribed.

Midland Coal Co. v. F. S. & W. R. R. Co., 85 I. C. C. 146.

216. Rates on slack coal from Bokoshe, Okla., to Fayetteville, Ark., in March, 1919, found to have been unreasonable. Reparation awarded.

Acid from Moundsville and Pittsburgh district, 85 I. C. C. 149.

217. Proposed revision of rates on sulphuric and muriatic acids, in tank-car loads, and in carboys, from Moundsville, W. Va., Tiltonville, Ohio, and Langeloth, Burgettstown, Beaver Falls, New Castle, Natrona, Donora, and Newell, Pa., to points in Ohio, West Virginia, and Pennsylvania in the Wheeling, W. Va., Youngstown, Ohio, and Pittsburgh districts, resulting in both increases and reductions, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Classification rating on empty wooden barrels, 85 I. C. C. 154.

218. Proposed increased rates on empty wooden barrels, in carloads, from Savannah, Ga., to points in South Carolina found not justified. Suspended schedules ordered canceled, and proceeding discontinued.

Railway Mail Pay, 85 I. C. C. 157.

219. Upon reexamination of the facts and circumstances surrounding the transportation of the mail by petitioning New England carriers, present rates of pay found inadequate. Reasonable rates prescribed for the different units of service for the future.

220. Request that initial and terminal allowances be restored on petitioners' lines denied.

221. Request for a finding as to the rates of pay as of September 1, 1920, denied.

Roquemore Gravel Co. v. *A. & W. P. R. R. Co.*, 85 I. C. C. 184.

222. Rates on sand and gravel, in carloads, from Montgomery, Ala., to La Grange, Ga., found unreasonable. Reasonable rate prescribed and reparation awarded.

O-So-Ezy Products Co. v. *Director General*, 85 I. C. C. 187.

223. Classification rating in southern territory on furniture polish, in glass or earthenware or in metal cans, packed in barrels or boxes, when shipped in carloads, found unreasonable, and reasonable rating prescribed for the future.

224. Classification rating in western territory prior to April 1, 1921, on furniture polish in metal cans, packed in barrels or boxes, in less than carloads, found unreasonable.

225. Other classification ratings assailed applicable in official, southern, and western territories, on furniture polish and mops, in carloads and less than carloads, and on mop handles in less than carloads, found not unreasonable or unduly prejudicial. Reparation denied.

Fies & Sons v. *Director General*, 85 I. C. C. 195.

226. Rates charged on three carloads of horses and mules shipped from Centaur, Ga., to Birmingham, Ala., during Federal control found unreasonable. Reparation awarded.

Settle Lumber Co. v. *A. & V. Ry. Co.*, 85 I. C. C. 197.

227. Rates on lumber, in carloads, from points in Kentucky, Tennessee, Mississippi, Alabama, and Louisiana, to Madisonville, Ohio, Pennsylvania Railroad delivery, found unduly prejudicial, but not otherwise unlawful. Undue prejudice ordered removed.

Kanotex Refining Co. v. *M. V. R. R. Co.*, 85 I. C. C. 200.

228. Rate for the transportation of crude oil from Frankfort, Okla., to Arkansas City, Kans., found unreasonable. Reasonable rate for the future prescribed and reparation awarded.

Express Publishing Co. v. *G., H. & S. A. Ry. Co.*, 85 I. C. C. 203.

229. Rates on imported newsprint paper, in carloads, from Galveston to San Antonio, Tex., found not unreasonable. Complaint dismissed.

Transmission of Mail by Pneumatic Tubes in New York, 85 I. C. C. 207.

230. Upon application pursuant to 42 Stat., 652, 661, for a revision of the rate of pay for transmitting mail by pneumatic tubes in the city of New York: *Held*, that the annual rate of pay should be increased from $18,500 per mile of double line of tubes to $19,500 per mile of double line of tubes, the maximum allowed by Congress.

Amer. Mills Co. v. *C. R. R. Co.*, 85 I. C. C. 214.

231. Rating on barracks bags of first class, any quantity, in southern classification, found unreasonable to the extent that it exceeded second class. Maximum reasonable rating prescribed for the future and reparation awarded.

S. Dak. R. R. Commissioners v. *C. & N. W. Ry. Co.*, 85 I. C. C. 217.

232. Rates on grain and grain products from points in South Dakota to various markets found unreasonable to the extent indicated in the report. Reasonable rates prescribed.

233. Maintenance of relatively lower rates on grain intrastate in Minnesota than apply from points near the South Dakota-Minnesota State line in South Dakota to points in Minnesota found to result in undue prejudice to shippers and localities in South Dakota, in unreasonable preference of shippers and localities in Minnesota, and in unjust discrimination against interstate commerce, but no order entered, the record not affording an adequate basis for fixing intrastate rates.

Refrigeration charges from Florida and other States to interstate points, 85 I. C. C. 247.

234. Proposed increased refrigeration charges on citrus fruits and vegetables from Florida to destinations in other States throughout the country, and in Canada, found not justified. Suspended schedules ordered canceled.

Nashville Traffic Bureau v. *Director General*, 85 I. C. C. 261.

235. Rate on oak lumber from New Houlka, Miss., to Nashville, Tenn., found unreasonable. Reparation awarded.

Chapin Co. v. *C., M. & St. P. Ry. Co.*, 85 I. C. C. 263.

236. Rates on creosote oil. in carloads, from north Pacific coast points to Spokane, Wash., and Bovill, Idaho, found not unreasonable or otherwise unlawful.

237. Rates to Parkwater, Wash., and Sandpoint, Idaho, found unreasonable but not unjustly discriminatory or unduly prejudicial. Reparation awarded, and reasonable rate for the future prescribed.

Muse Lumber Co. v. *Director General*, 85 I. C. C. 267.

238. Rate charged found applicable on four carloads of lumber from Hartwell, Mo., to St. Louis, Mo. One carload found overcharged. Reparation awarded.

North Carolina Pine Asso. v. *A. C. L. R. R. Co.*, 85 I. C. C. 270.

239. Rates on lumber and forest products taking the same rates, in carloads, from points in southeastern and Carolina territories and Virginia cities to destinations in trunk-line and New England territories found unreasonable, but not unduly prejudicial. Reasonable bases prescribed.

240. Fourth-section applications, or portions thereof, for relief in connection with rates on lumber and forest products taking the same rates, or rates made with relation thereto, in carloads, from points in Virginia, Kentucky, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, Mississippi, and Louisiana east of the Mississippi River, to points in Virginia, Maryland, West Virginia, Pennsylvania, Delaware, New Jersey, New York, District of Columbia, and New England, disposed of.

Elk Brand Shirt & Overall Co. v. *D. & S. Ry. Co.*, 85 I. C. C. 320.

241. Rates on cotton fabrics from various points in Virginia, North Carolina, South Carolina, Georgia, Alabama, and Tennessee to Hopkinsville and Lewisburg, Ky., found unreasonable and unduly prejudicial. Reparation awarded and maximum reasonable and nonprejudicial basis of rates prescribed for the future.

242. Fourth-section relief denied except as to the Tennessee Central.

Nebr. Bridge Supply & Lumber Co. v. *Director General*, 85 I. C. C. 327.

243. Rates on cedar posts, in carloads, from points in Arkansas to various destinations in Nebraska and Kansas, except from Pyatt, Ark., to Orleans, Nebr., found to have been unreasonable. One shipment found to have been misrouted. Reparation awarded.

Republic Coal Co. v. *C., St. P., M. & O. Ry. Co.*, 85 I. C. C. 331.

244. Car H. V. 3614, detained at Hammond, Wis., found to have been an unclaimed shipment, and not subject to demurrage during a portion of the period of detention. Car C. B. & Q. 176869 found to have been subject to demurrage during the period it was detained at Hammond.

245. Demurrage charges collected on three cars of coal at Worthington, Minn., found unlawful to the extent indicated in the report. Reparation awarded.

Shearman Concrete Pipe Co. v. *Director General*, 85 I. C. C. 337.

246. Charges for the movement of sand, in carloads, between points within the switching limits of Knoxville, Tenn., during the period from July 13, 1918, to December 9, 1918, found unreasonable. Reparation awarded.

West End Chemical Co. v. *L. A. & S. L. R. R. Co.*, 85 I. C. C. 339.

247. Shipment of one carload of colemanite from St. Thomas, Nev., to West End, Calif., found to have been misrouted. Rate charged found unreasonable. Reparation awarded.

Lehigh Lime Co. v. *A., C. & Y. Ry. Co.*, 85 I. C. C. 341.

248. Rates on lime, in carloads, from Mitchell, Ind., to destinations in central territory in the States of Pennsylvania, West Virginia, Ohio, and Michigan found to be unreasonable. Reasonable maximum rates prescribed for the future.

249. Rates on lime, in carloads, from Mitchell to the same destinations found to be unduly prejudicial to complainant and unduly preferential of competitors located at certain points in trunk-line territory. Undue prejudice ordered removed.

Cancellation of rates on brick and draintile from St. Louis, 85 I. C. C. 353.

250. Proposed cancellation of rates on brick, articles taking brick rates, and draintile from St. Louis, Mo., to points on the Chicago, St. Paul, Minneapolis & Omaha Railway in Nebraska found not justified. Suspended schedules ordered canceled.

Coit-Alber Chautauqua Co. v. *A. & S. R. R. Co.*, 85 I. C. C. 357.

251. Rules, regulations, and charges applicable to the interstate transportation of Chautauqua equipment, in special baggage cars, between points east of the Mississippi River other than those in States south of Kentucky and North Carolina, found not unreasonable or unduly prejudicial. Complaint dismissed.

McFadden v. *Director General*, 85 I. C. C. 365.

252. Rates on anthracite coal, in carloads, shipped from points in Pennsylvania to Detroit, Mich., during Federal control, found unreasonable. Reparation awarded.

Sloss-Sheffield Steel & Iron Co. v. *Director General*, 85 I. C. C. 367.

253. Rate on coal, in carloads, from Dora, Ala., to Sloss, Ala., during Federal control, found not unreasonable or otherwise unlawful.

254. Rate on coal, in carloads, from Dora, to Ruffner, Ala., during the same period, found unreasonable. Reparation awarded.

Wasmuth-Endicott Co. v. *W. Ry. Co.*, 85 I. C. C. 370.

255. Rates applicable on kitchen cabinets, in carloads, from Andrews, Ind., to Oakland, Calif., during 1921, found not unreasonable. Complaint dismissed.

Ingram Day Lumber Co. v. *G. & S. I. R. R. Co.*, 85 I. C. C. 373.

256. Rates on lumber, in carloads, from Lyman, Miss., to Mobile, Ala., and New Orleans, La., and from Lyman to Gulfport, Miss., for export, found not unreasonable or unduly prejudicial. Complaint dismissed.

Beatrice Creamery Co. v. *L. & N. R. R. Co.*, 85 I. C. C. 377.

257. Rates on cream, in cans, for transportation in baggage cars in passenger trains to St. Louis, Mo., and Cincinnati, Ohio, from points on defendant's lines within 300 miles of those destinations, found unreasonable. Reasonable rates prescribed.

258. Reparation awarded on shipments to St. Louis from Pembroke and Trenton, Ky., and St. Bethlehem and Clarksville, Tenn.

Classification ratings on Army tractor tanks, 85 I. C. C. 383.

259. Proposed ratings on Army tractor tanks, without guns, in less than carloads, in the southern and official classifications found justified. Order of suspension vacated and proceeding discontinued.

Pacific Coast Shippers' Asso. v. *Director General*, 85 I. C. C. 386.

260. Rates on forest products, in carloads, from points in Oregon and Washington to various destinations in the United States and between points in the United States and points in Canada, found not unreasonable or unjustly discriminatory. Certain overcharges and undercharges found to exist. Reparation denied and complaint dismissed.

Decker & Sons v. *Director General*, 85 I. C. C. 389.

261. Findings in original report, 74 I. C. C. 171, modified upon further hearing, and rates on fresh-salted hog meats, in carloads, from Mason City, Iowa, to St. Louis, Mo., Wichita, Hutchinson, and Arkansas City, Kans., found not unjustly discriminatory or unduly prejudicial.

Smokeless Fuel Co. v. *N. & W. Ry. Co.*, 85 I. C. C. 395.

262. Demurrage charges assessed on coal, in carloads, at piers at Lambert Point, Va., found applicable and not unreasonable. Complaint dismissed.

Automatic Train-Control Devices, 85 I. C. C. 403.

263. Device as installed found to meet all the requirements of our specifications and order. Installation approved, except as indicated.

264. Requirements as to inspection, tests, and maintenance established.

265. Certain recommendations made, with respect to the signal system, which the railroad company will be expected promptly to carry into effect.

Gila Water Co. v. *A. E. R. R. Co.*, 85 I. C. C. 408.

266. Rates on contractors' and graders' outfits in carloads, between San Francisco, Calif., and points taking the San Francisco rate and Hassayampa, Ariz., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Boldt Glass Co. v. *C., B. & Q. R. R. Co.* 85 I. C. C. 412.

267. Rates on silica sand, in carloads, from Ottawa, Ill., to Carrel Street Station, Cincinnati, Ohio, found unreasonable. Reasonable rates prescribed and reparation awarded.

Fitch Dustdown Co. v. *A. A. R. R. Co.*, 85 I. C. C. 416.

268. Third-class rating applicable under official classification to less-than-carload shipments of floor-sweeping compound, in bulk, in barrels, found not unreasonable or otherwise unlawful. Complaint dismissed.

Staley Mfg. Co. v. *Director General*, 85 I. C. C. 418.

269. Rate on sand, in carloads, from East St. Louis to Decatur, Ill., during Federal control, found not unreasonable. Complaint dismissed.

S. W. Cotton Co. v. *S. P. Co.*, 85 I. C. C. 420.

270. Rate on hollow building tile, in carloads, from Sunset, Calif., to Yuma, Ariz., found unreasonable. Reparation awarded.

Murray v. *Director General*, 85 I. C. C. 422.

271. Upon further hearing complainant failed to make adequate proof of the amount of reparation due because of collection of demurrage charges found illegal in original report, 69 I. C. C. 477. Complaint dismissed.

El Paso Bitulithic Co. v. *E. P. & S. W. R. R. Co.*, 85 I. C. C. 425.

272. Rates on asphalt, in barrels, in carloads, from Richmond and El Segundo, Calif., to El Paso, Tex., found unreasonable. Reparation awarded.

Albany Wrapping Paper Co. v. *A. & W. Ry. Co.*, 85 I. C. C. 429.

273. Rates on toilet paper, paper towels, and toilet-paper holders, in carloads, and less than carloads, from Albany, N. Y., to Missouri River territory and Colorado common points not shown to be unjust, unreasonable, or unduly preferential of Green Bay and Appleton, Wis. Complaint dismissed.

So. Cotton Oil Co. v. *Director General*, 85 I. C. C. 433.

274. Fifth-class rate on lard substitute, in carloads, from Bayonne, N. J., to Boston, Mass., found applicable and not unreasonable. Complaint dismissed.

Citizens Gas & Electric Co. v. *A., T. & S. F. Ry. Co.*, 85 I. C. C. 435.

275. Rates on gas oil, in carloads, from points in Kansas and Oklahoma, and from Kansas City, Mo., to Council Bluffs, Iowa, found unreasonable. Reparation awarded.

276. Rates charged on like traffic from Walters, Okla., to Council Bluffs found not unreasonable.

Imperial Tobacco Co. v. *Director General*, 85 I. C. C. 439.

277. Rates applicable on leaf tobacco, in carloads, shipped during Federal control, from Nashville, Ga., to Richmond, Va., found not unreasonable. Complaints dismissed.

Coastwise Lumber & Supply Co. v. *B. & O. R. R. Co.*, 85 I. C. C. 441.

278. Defendant's charge on interstate shipments of loose lumber from St. George, Staten Island, to the foot of Clinton Street, Brooklyn, N. Y., a point within New York lighterage limits, not shown to have been or to be unreasonable or otherwise unlawful. Certain shipments from Midvale, W. Va., found to have been misrouted. Reparation awarded.

City of Anderson v. *C., I. & W. R. R. Co.*, 85 I. C. C. 446.

279. Rates charged on 13 carloads of bituminous coal from Springfield and Keyes, Ill., consigned to Indianapolis, Ind., and diverted in transit to Anderson, Ind., found unreasonable. Reparation awarded.

Germain Co. v. *L. & N. R. R. Co.*, 85 I. C. C. 449.

280. Rates on yellow-pine crossties, in carloads, from Flomaton, Bluff Springs, Stapleton, and Bay Minette, to Mobile, Ala., for reshipment by water to various interstate destinations, found not unreasonable. Complaint dismissed.

General Iron Works v. *Director General*, 85 I. C. C. 452.

281. Upon further hearing, carload rates on iron and steel tanks from Ranger, Tex., to Minden, La., and from Jenks and Morris, Okla., to Minden, Shreveport, and Gahagan, La., and on secondhand lumber from Jenks and Morris to Shreveport and Minden found unreasonable. Original report, 64 I. C. C., 532, modified. Reparation awarded.

Louisville Fire Brick Works v. *Director General*, 85 I. C. C. 457.

282. Rates on crude clay from Stapleton and Huntingburg, Ind., to Louisville, Ky., June 25, 1918, to October 16, 1919, inclusive, found not unreasonable. Complaints dismissed.

Brownell Improvement Co. v. *B. & O. C. T. R. R. Co.*, 85 I. C. C. 461.

283. Carload shipments of crushed stone from Thornton, Ill., to Kalamazoo, Mich., found to have been misrouted. Collection of outstanding undercharges waived. Complaint dismissed.

Ridenour-Baker Mercantile Co. v. *Director General*, 85 I. C. C. 463.

284. Shipments during Federal control of articles rated first, second, third, and fourth class from Pueblo, Colo., to Hugo, Boyero, Aroya, and Wild Horse, Colo., found not misrouted.

285. Rates charged on such shipments to all destinations named on articles rated first, second, and third class, and to those destinations except Hugo on articles rated fourth class, found applicable.

286. Rate charged on such shipments to Hugo on articles rated fourth class found inapplicable. Reparation awarded.

Friedlander v. *Director General*, 85 I. C. C. 465.

287. Rate charged on empty ammunition wooden boxes, in carloads, from Tullytown, Pa., to Chicago, Ill., found applicable. Complaint dismissed.

Through rate on Sisal from Gulf Ports, 85 I. C. C. 467.

288. Proposed cancellation of through rates via the Pennsylvania Railroad on sisal from Gulf ports to Chicago, Ill., and Michigan City, Ind., stored in transit at Indianapolis, Ind., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Strawboard and other paper articles to south Pacific coast points, 85 I. C. C. 470.

289. Proposed increased rates on strawboard, in carloads, from transcontinental Groups D, E, and J to south Pacific coast destinations found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Du Pont De Nemours & Co. v. *Director General*, 85 I. C. C. 475.

290. Rates charged on crude anthracene, in carloads, from points in official classification territory and from Ensley, Ala., to Carneys Point, N. J., and Frankford, Pa., found to have been unreasonable. Reparation awarded. Original report, 73 I. C. C., 129, revised upon further consideration.

Greater Des Moines Committee v. *Director General*, 85 I. C. C. 478.

291. Rates on petroleum gas and fuel oils, in carloads, from the Kansas City, Mo.-Kans., district and from Kansas and Oklahoma fields to Des Moines, Iowa, found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed for the future, and reparation awarded.

New England Divisions, 85 I. C. C. 482.

292. The amended order, entered March 28, 1922, is not retrospective; it does not apply to revenue derived from shipments which originated prior to April 1, 1922. The date of the waybill should be used in determining the date of the shipment.

293. The order does not affect divisions of any joint rate applied to transportation performed in part through Canada.

294. The order applies to all joint commodity rates, otherwise subject to it, except joint rates on coal and coke, fluid milk and its edible products, high explosives, and certain low-grade commodities moving short distances.

295. Terminal and other allowances, arbitraries, etc., in effect March 28, 1922, are included in the divisions affected by the order.

296. The order affects the divisions of all carriers defendant, including those in the West and in the South, and requires each to make a pro-rata shrink in its divisions, in the absence of agreement otherwise.

297. Numerous questions, relative to the application of the order in special cases, answered.

St. Louis Fruit & Vegetable Dealers Asso. v. *W. Ry. Co.*, 85 I. C. C. 496.

298. Charges for refrigeration of interstate carload shipments of fruits and vegetables to and from St. Louis, Mo., assessed under Fairbanks' perishable protective tariff I. C. C. No. 6, found applicable and not unreasonable or unduly prejudicial. Complaints dismissed.

Grand Island Chamber of Commerce v. *A. & R. R. R. Co.*, 85 I. C. C. 502.

299. Class rates from points east of the Indiana-Illinois State line in central, trunk-line, and New England territories to Columbus, Grand Island, and Hastings, Nebr., found unreasonable to the extent that the components from the Mississippi River crossings to the points named exceed the rates prescribed.

300. Class rates to Columbus, Grand Island, and Hastings from St. Louis, Mo., and Mississippi River cities taking the same rates, and from Chicago, Ill., and points taking the same rates, found unreasonable. Reasonable rates prescribed.

301. Present class-rate adjustment found unduly prejudicial to complainants' members and unduly preferential of their competitors at Omaha, Lincoln, Fremont, and Beatrice, Nebr. *Found*, That rates prescribed will not wholly remove the undue prejudice. Defendants directed to suggest plan to remove remaining prejudice in connection with No. 14625, *Class Rates to and from Nebraska Points.*

Bell & Co. v. *C., M. & St. P. Ry. Co.*, 85 I. C. C. C. 520.

302. Rates on apples, in boxes, in carloads, from Hanford, Wash., to Portland Oreg., found not to have been unreasonable or otherwise unlawful during September and October, 1920. Present rate found unreasonable for the future and reasonable rate prescribed.

Fort Wayne Rolling Mill Corp. v. *Director General*, 85 I. C. C. 523.

303. Former finding, 68 I. C. C., 439, that the rates on bar iron, in carloads, from Fort Wayne, Ind., to Sheboygan, Wis., were not unreasonable affirmed upon further hearing. Rate found unreasonable on and since January 1, 1923, and reasonable rate prescribed for the future.

Routing of lumber from A., T. & N. R. R. Stations, 85 I. C. C. 527.

304. Proposed schedules by which the application of joint rates on lumber from stations on the Alabama, Tennessee & Northern Railroad in connection with the Southern Railway and Alabama Great Southern to Ohio and Mississippi River crossings, when for beyond and to destinations in central and western trunk-line territories would be restricted to the route via York, Ala., Alabama Great Southern Railroad, Chattanooga, Tenn., Cincinnati, New Orleans & Texas Pacific Railway, and connections, found justified. Order of suspension vacated.

Ind. Public Service Com. v. *A. A. R. R. Co.*, 85 I. C. C. 533.

305. Carload rates on logs between points in central territory found unreasonable. Reasonable rates prescribed for the future.

Simms Oil Co. v. *H. & T. C. R. R. Co.*, 85 I. C. C. 537.

306. Rates charged or assessed on interstate shipments of wrought-iron pipe in straight carloads, and in mixed carloads with oil-well supplies, from Mexia, Tex., to Burnham, Tex., found to have been unreasonable in some instances and illegal in others. Reparation awarded. Reasonable rate prescribed for the future.

So. Carbon Co. v. *A. & L. M. Ry. Co.*, 85 I. C. C. 542.

307. Rate charged on secondhand iron pipe, in carloads, from Coalton, Okla., to Swartz and Fairbanks, La., and from Quinton, Okla., to Fairbanks found unreasonable. Reasonable maximum rate prescribed from Quinton. Reparation awarded.

Colo. & Utah Coal Co. v. *D. & S. L. R. R. Co.*, 85 I. C. C. 545.

308. Defendants' failure to furnish suitable equipment upon reasonable request therefor for the transportation of coal, and failure to equip or to compensate complainants for equipping box and stock cars furnished for said transportation with door boards without which defendants refused to transport complainants' shipments, found to constitute an unreasonable practice. Reasonable rule prescribed for the future and reparation awarded.

Mayer & Co. v. *C. & N. W. Ry. Co.*, 85 I. C. C. 549.

309. Rates on fresh meats, in carloads, from Madison, Wis., to destinations in official classification territory east of Illinois-Indiana boundary found unreasonable, and unduly prejudicial.

310. Rates on packing-house products, in carloads, from Madison, Wis., to Cincinnati, Ohio, Detroit, Mich., Cleveland, Ohio, Pittsburgh, Pa., and Buffalo, N. Y., found unreasonable, and unduly prejudicial.

311. Reasonable and nonprejudicial rates on fresh meats and packing-house products, in carloads, prescribed for the future. Reparation awarded.

Utah Gilsonite Co. v. *A., T. & S. F. Ry. Co.*, 85 I. C. C. 557.

312. Application for joint rates on gilsonite from American, Utah, to destinations east of Mack, Colo., denied.

313. Through rates on gilsonite from American, Utah, to destinations in Colorado and States east thereof found to have been, and to be, unreasonable to the extent indicated. Reparation awarded and reasonable rates prescribed.

Eshelman & Sons v. *Director General*, 85 I. C. C. 578.

314. Rates for the transportation of cottonseed meal from points in the Mississippi Valley and the Southeast to Lancaster and York, Pa., there manufactured into mixed feed, reshipped to destinations in New England and trunk-line territories, found unreasonable prior to January 15, 1923. Reparation awarded.

Petroleum oils from Philadelphia, 85 I. C. C. 583.

315. Proposed increased rates on petroleum and petroleum products, in car loads, from Philadelphia, Pa., to Swedeland, Norristown, and Ardmore, Pa., and intermediate points, and on benzol, in carloads, from Swedeland to Philadelphia, applicable on interstate shipments, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Nitrate of soda from Gulf ports, 85 I. C. C. 586.

316. Proposed increased domestic commodity rates on nitrate of soda, in carloads, from New Orleans and Port Chalmette, La., Mobile, Ala., Gulfport, Miss., and Pensacola, Fla., to numerous destinations mostly in central freight association territory found not justified. Suspended schedules ordered canceled.

Terminal allowance at Cochem, 85 I. C. C. 591.

317. Present designated interchange tracks at the plant of the St. Louis Coke & Iron Company, at Granite City (Cochem), Ill., and delivery or receipt thereon of interstate traffic for the company, being under consideration: *Found*, That these tracks are reasonably convenient points of interchange; that delivery or receipt thereon constitutes delivery or receipt under the line-haul rates; and that any allowance to the company as compensation for interchange switching beyond these tracks would be unlawful. Present Illinois Central connection with the plant railway not included among such interchange tracks.

318. Proposed allowance to the company for such interchange switching found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Grain from Oklahoma points, 85 I. C. C. 602.

319. Proposed increased rates on grain and grain products, in carloads, from Oklahoma points to Memphis, Tenn., and to Texas and Louisiana ports for export, found not justified. Suspended schedules ordered canceled and proceedings discontinued.

Schaefer v. *L. V. R. R. Co.*, 85 I. C. C. 605.

320. On further hearing, reparation awarded. Former report, 66 I. C. C. 549.

Interstate Rice Milling Co. v. *L. W. R. R. Co.*, 85 I. C. C. 606.

321. Rates on rough rice, in carloads, from points in Louisiana to Eagle Lake and Houston, Tex., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Dells Paper & Pulp Co. v. *Director General,* 85 I. C. C. 609.

322. Shipment of one carload of crude sulphur from Bryanmound, Tex., to Kimberly, Wis., reconsigned to Eau Claire, Wis., found to have been misrouted. Reparation awarded.

Atlas Portland Cement Co. v. *C. R. R. Co. of N. J.,* 85 I. C. C. 611.

323. Rates on Portland cement, in carloads, from Navarro, Pa., to certain points in northern New Jersey between Navarro and New Jersey tidewater points, and to the latter for local delivery, found not unreasonable or otherwise unlawful. Complaints dismissed.

324. Fourth-section relief denied.

Divisions between carriers of rates on coal, 85 I. C. C. 617.

325. Divisions accorded the lines south of Toledo out of the joint rates on bituminous coal as increased following the commission's decision in *Increased Rates, 1920,* 58 I. C. C. 220, from the Inner and Outer Crescent districts to points in Michigan and other States found not inequitable or otherwise unlawful.

Gadsden Lumber Co. v. *A. N. R. R. Co.,* 85 I. C. C. 626.

326. Carload shipment of lumber from Juniper, Fla., to Savannah, Ga., found not misrouted. Demurrage and reconsignment charges found to have been illegally collected, and reparation awarded.

Willamette Iron & Steel Works v. *Director General,* 85 I. C. C. 629.

327. Rates charged on steel plates, in carloads, from eastern points of origin to Portland, Oreg., found not applicable. Reparation awarded.

Pitts v. *T. & P. Ry. Co.,* 85 I. C. C. 635.

328. Combination rate charged on one carload of iron pipe and fittings from Shreveport, La., to Helena, Miss., found unreasonable to the extent that the components from Shreveport to Pascagoula, Miss., exceeded 55.5 cents per 100 pounds. Reparation awarded.

Judson Mfg. Co. v. *Director General,* 85 I. C. C. 637.

329. Rates applicable for switching carloads of steel ingots and scrap metal between points in complainant's plant at Emeryville, Calif., during Federal control, found to have been unreasonable. Reparation awarded and waiver of undercharges authorized.

Sewell & Co. v. *Director General,* 85 I. C. C. 641.

330. Rate on dried beans, in carloads, from Wendell, Idaho, to Fort Worth, Tex., found unreasonable. Reparation awarded.

Allegheny Lumber Co. v. *P., S. & N. R. R. Co.,* 85 I. C. C. 643.

331. Shipment of pine lumber from Deer Park, Wash., to Shinglehouse, Pa., found overcharged. Reparation awarded.

Lilly Co. v. *O. S. L. R. R. Co.,* 85 I. C. C. 644.

332. Rate charged for the transportation of one carload of alsike clover seed from Buhl, Idaho, to Seattle, Wash., found unreasonable. Reparation awarded.

333. Provision of transportation act, 1920, under which cause of action accrues upon delivery or tender of delivery, found applicable to shipment barred prior to enactment of the law.

Lafayette Lumber Co. v. *Director General,* 85 I. C. C. 647.

334. Reparation awarded on account of overcharges on one carload of mine props from Meadville, Pa., to Short Creek, W. Va.

Larkin Co. v. *C. & E. R. R. Co.,* 85 I. C. C. 649.

335. Rates on lamps, complete, with globes of the framed-glass type, with glass panels detached and packed separately in the same outer shipping container, found unreasonable. Reparation awarded.

Atwood-Crawford Co. v. *M. C. R. R. Co.,* 85 I. C. C. 651.

336. Rates on mill waste, in carloads, from points in New Hampshire on the Boston & Maine to Pawtucket and Darlington, R. I., found not unreasonable or otherwise unlawful. Complaint dismissed.

Utah Oil Refining Co. v. *Director General,* 85 I. C. C. 654.

337. Rate on crude oil, in carloads, from Spring Valley, Wyo., to Salt Lake City, Utah, found unreasonable and in violation of the long-and-short-haul clause of the fourth section of the act. Reparation awarded.

Crown Willamette Paper Co. v. *Director General*, 85 I. C. C. 657.

338. Rates on shipments of wood pulp from Seattle, Wash., to Camas, Wash., originating in British Columbia, found to have been unreasonable. Reparation awarded.

Kneeland-Bigelow Co. v. *Director General*, 85 I. C. C. 659.

339. Rates on saw logs, in carloads, between points in Michigan on the Mackinaw division of the Michigan Central Railroad, including Bay City, and Saginaw, Mich., when dependent for their applicability upon the volume of the outbound movement of the products manufactured from such logs via the Michigan Central Railroad, but restricted by tariff provision to Michigan intrastate traffic only, found not subject to our jurisdiction since Federal control.

340. Those rates found not unreasonable during Federal control.

341. Complaints dismissed.

Parkersburg Rig & Reel Co. v. *Director General*, 85 I. C. C. 665.

342. Rates on wooden-tank material, in straight carloads, from Tulsa, Okla., to points in Kansas on the Atchison, Topeka & Santa Fe, found not unreasonable or otherwise unlawful.

343. Rates on bull-wheel material, in straight carloads or in mixed carloads with lumber, from Tulsa, Okla., to points in Kansas moving wholly over the Atchison, Topeka & Santa Fe, found not unreasonable, but to have been unduly prejudicial.

344. Rates on wooden-tank material and bull-wheel material, in straight or mixed carloads, from Tulsa, Okla., to Eldorado, Kans., on the Missouri Pacific, found to have been unreasonable.

345. Rates on wooden tanks, complete, knocked down, including necessary iron and steel parts, in carloads, from Tulsa, Okla., to points in Kansas on the Atchison, Topeka & Santa Fe, prior to October 20, 1919, found to have been unreasonable.

346. Reparation awarded.

Getz Brothers & Co. v. *Director General*, 85 I. C. C. 673.

347. Demurrage charges which became effective after shipments moved from points of origin found applicable and not unlawful. Complaint dismissed.

Sperry Flour Co. v. *Director General*, 85 I. C. C. 675.

348. Rates on wheat, in carloads, from stations in Idaho, Washington, and Oregon to Stockton and South Vallejo, Calif., found not unreasonable. Complaint dismissed.

Pacific Mills v. *Director General*, 85 I. C. C. 677.

349. Rates on salt cake (sodium sulphate), in carloads, from McKittrick, Calif., to San Francisco, Calif., for export to British Columbia, found unreasonable. Reparation awarded.

California Grain Co. v. *Director General*, 85 I. C. C. 680.

350. Rate charged on barley, in carloads, from Gridley, Marysville, Brawley, and Greenwood, Calif., to Manitowoc, Wis., found not unreasonable. Complaint dismissed.

Mid-Continent Equip. & Mach. Co. v. *M. & O. R. R. Co.* 85 I. C. C. 683.

351. Rates on steel rails, joints, and bolts, in carloads, from Huntington, W. Va., to Sparta, Ill., and on steel rails, in carloads, from Huntington to Willisville, Ill., found not unreasonable or unduly prejudicial. Complaint dismissed.

Barnsdall Refining Co. v. *A., T. & S. F. Ry. Co.*, 85 I. C. C. 685.

352. Rates on fire brick, in carloads, from Cheltenham, Maryland Heights, Wellsville, and Mexico, Mo., to Barnsdall, Okla., found unreasonable. Reparation awarded.

Halliday Milling Co. v. *Director General*, 85 I. C. C. 687.

353. Rate on imported blackstrap molasses, in tank cars, from Mobile, Ala., to Cairo, Ill., during Federal control found not unreasonable or otherwise unlawful. Complaint dismissed.

National Tube Co. v. *Director General*, 85 I. C. C. 689.

354. Rates on bituminous coal, in carloads, from mines in the Fairchance district of Pennsylvania to Benwood, W. Va., found not unreasonable. Complaint dismissed.

General Chemical Co. v. *Director General*, 85 I. C. C. 693.

355. Rate on sand, in carloads, from South Vineland, to Dundee, N. J., during Federal control found unreasonable. Reparation awarded.

Hershman& Co. v. *Director General*, 85 I. C. C. 695.

356. Payments made to individuals for lightering, storing, and loading shipments of paper stock at New York Harbor, destined for Richmond, Va., and Hamilton, Ohio, found not to be overcharges. Complaints dismissed.

North American Oil & Refining Corp. v. *Director General*, 85 I. C. C. 697.

357. Rates charged on shipments of crude oil in tank-car loads, from Burkburnett and Wichita Falls, Tex., to Sheffield, Mo., found illegal. Reparation awarded.

Gillican-Chipley Co. v. *Director General*, 85 I. C. C. 702.

358. Complaints alleging that the rate charged on rosin, in carloads, from Wiergate and Chireno, Tex., to Galveston, Tex., during Federal control, dismissed because the complainant was not a party to the transportation, and an amendment to make the consignor a complainant denied because barred by lapse of time and because there is no proof that complainant was authorized to file the complaint or amend it on behalf of the consignor. Complaints dismissed.

Wadhams Oil Co. v. *C. & N. W. Ry. Co.*, 85 I. C. C. 705.

359. Rates on petroleum and its products in tank-car loads from points in Kansas and Oklahoma to Milwaukee, West Allis, and Racine, Wis., found unreasonable. Reparation awarded.

Pacific Grain Co. v. *Director General*, 85 I. C. C. 710.

360. Rate on four carloads of wheat shipped during January and February, 1920, from Dayton, Wash., to Cedar Rapids, Iowa, found unreasonable. Reparation awarded.

Magnolia Petroleum Co. v. *Director General*, 85 I. C. C. 712.

361. Rates on petroleum products, in tank-car loads, from Chaison and Corsicana, Tex., to Healdton, Ringling, and Wilson, Okla., found unreasonable. Reparation awarded.

Royall & Borden Mfg. Co. v. *A. C. L. R. R. Co.*, 85 I. C. C. 715.

362. Rates charged on cotton linters, in carloads, from Dunn and Pine Level, N. C., to Philadelphia, Pa., Long Island City, N. Y., and Boston, Mass., found not unreasonable or unduly prejudicial. Complaints dismissed.

Midwest Refining Co. v. *Director General*, 85 I. C. C. 719.

363. Rate on fuel oil in tank-car loads from Riverton, Wyo., to Casper, Wyo., during Federal control found not to have been unreasonable or unduly prejudicial. Complaint dismissed.

Parker Bros. Co. v. *Director General*, 85 I. C. C. 721.

364. Rate on anthracite coal, in carloads, from certain points in Pennsylvania to Detroit, Mich., found unreasonable. Reparation awarded.

Corona Coal Co. v. *St. L.-S. F. Ry. Co.*, 85 I. C. C. 723.

365. Rates on coal, in carloads, from Empire, Ala., to Pensacola, Fla., for bunker purposes, found not unreasonable for unduly prejudicial. Complaint dismissed.

Guggenheim Bros. v. *Director General*, 85 I. C. C. 725.

366. Third-class rating and rate charged on beef hams, salted, in barrels, in carloads, from Chicago, Ill., to Philadelphia and Allentown, Pa., found to have been unreasonable. Reparation awarded.

Mathieson Alkali Works v. *B. & O. R. R. Co.*, 85 I. C. C. 728.

367. Specially constructed multiple-unit car consisting of underframe designed only for the carriage of tanks or cylinders which form the superstructure and are integral parts of the car used in the transportation of liquefied chlorine gas, found to be a tank car as described in the tariff and classification items applicable on liquefied chlorine gas in tank cars.

368. Shipments of liquefied chlorine gas, in tank cars, from Niagara Falls, N. Y., to various points found to have been overcharged.

369. Failure of defendants to make allowance for the use of multiple-unit tank cars in accordance with tariff provision found to have been illegal.

370. Reparation awarded.

M'Grew Coal Co. v. *Director General*, 85 I. C. C. 735.

371. Rates charged on bituminous coal, in carloads, from and to points in Missouri found not unreasonable or otherwise unlawful. Complaint dismissed.

Omaha Blaugas Co. v. *A., T. & S. F. Ry. Co.*, 85 I. C. C. 737.

372. Rates on gas oil, in tank-car loads, from Kansas City and from points in the Kansas and Oklahoma fields to Omaha, Nebr., found unreasonable. Reparation awarded.

Hoskins Lumber Co. v. *Director General*, 85 I. C. C. 740.

373. Rate applicable on treenail wood, in carloads, from Hummel, Saxton, and Entriken, Pa., to Mill Creek, Pa., during Federal control found unreasonable. Reparation denied besause of failure of proof. Complaint dismissed.

Glenn v. *Director General*, 85 I. C. C. 743.

374. Complaint alleging that the rate charged on two carloads of corn from Pike, Ill., to Louisiana, Mo., was unreasonable found barred by statute. Complaint dismissed.

Alaska Junk Co. v. *Director General*, 85 I. C. C. 745.

375. Complaint alleging that the rate charged on scrap zinc shipped from Seattle, Wash., to Chicago, Ill., was unreasonable, found to have been barred by the statute. Complaint dismissed.

Albers Bros. Milling Co. v. *Director General*, 85 I. C. C. 747.

376. Rate on imported peanuts, in carloads, from Vancouver, British Columbia, to Marshall, Tex., found unreasonable. Reparation awarded.

American Box Co. v. *Director General*, 85 I. C. C. 750.

377. Rate on a carload of lumber shipped during Federal control from Smoaks, S. C., to Lynchburg, Va., found in excess of that applicable. Demurrage charges found applicable. Complainant found not to have borne the freight charges, and reparation denied.

Crawford & Sebastian v. *C., R. I. & P. Ry. Co.*, 85 I. C. C. 753.

378. Rates on pipe, in carloads, from Gahagan, South Mansfield, and Harmon, La., and on oil-well supplies, in carloads, from Gahagan and Mansfield, La., to El Dorado, Ark., found not unreasonable. Complaint dismissed.

Monitor Stove Co. v. *C. & O. Ry. Co.*, 85 I. C. C. 757.

379. Less-than-carload rates assessed on registers shipped with cast-iron furnaces from Cincinnati, Ohio, and Minnesota Transfer, Minn., to Spokane, Wash., found applicable. Complaint dismissed.

Howe v. *C. & N. W. Ry. Co.*, 85 I. C. C. 760.

380. Shipment of potatoes from Port Wing, Wis., to Minneapolis, Minn., subsequently reconsigned to St. Louis, Mo., and Chicago, Ill., found not to have been misrouted. Overcharges, if any, ordered refunded. Complaint dismissed.

NOTE.—Volume 86, I. C. C is confined exclusively to finance reports.

Consolidated Lumber Co. v. *Director General*, 87 I. C. C. 1.

381. Minimum charge on lumber from East San Pedro, Calif., to Wilmington, Calif., during Federal control, found not unreasonable. Complaint dismissed.

Amer. Foundry & Machine Co., v. *O. S. L. R. R. Co.*, 87 I. C. C. 3.

382. Fifth-class rate on rough iron and steel castings, shipped in November and December, 1918, and January, 1919, from Salt Lake City, Utah, to Seattle, Wash., found applicable. Complaint dismissed.

Western Stock Yards Co. v. *N. Y. C. R. R. Co.*, 87 I. C. C. 4.

383. Failure of defendant to compensate complainants while compensating the New York Stock Yards Co. for performing service in connection with the delivery of hogs at the Fortieth Street stock yards, New York, N. Y., found not in violation of sections 1, 2, 3, and 15 (13) of the interstate commerce act. Complaint dismissed.

Flushing Farmers Elevator Co. v. *Director General*, 87 I. C. C. 9.

384. Claim for reparation on grain, in carloads, shipped from North Dakota and Montana to Minneapolis, Minn., during Federal control, found barred by the statute. Complaint dismissed.

So. Poultry & Egg Asso. v. *A. & M. R. R. Co.*, 87 I. C. C. 11.

385. Third-class rating on live poultry, in carloads, minimum 18,000 pounds, in southern classification territory found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Hines Lumber Co. v. *Director General*, 87 I. C. C. 17.

386. Rate charged for the transportation of lumber, in carloads, from Fairbanks, Minn., to Winton, Minn., during Federal control, found not unreasonable. Complaint dismissed.

Kalamazoo Vegetable Parchment Co. v. *Director General*, 87 I. C. C. 19.

387. Rates on vegetable-parchment wrapping paper, in carloads, from Kalamazoo, Mich., to New York, N. Y., and Chicago, Ill., found unreasonable. Reparation awarded.

Sewell Valley R. R. Co. v. *C. & O. Ry. Co.*, 87 I. C. C. 21.

388. Divisions accorded complainant out of joint rates on coal from points on its line found not unjust, unreasonable, or inequitable. Complaint dismissed.

Omaha Hay & Feed Co. v. *Director General*, 87 I. C. C. 26.

389. Rate charged on baled hay, in carloads, from Omaha, Nebr., to Bozeman, Cardwell, Wilsall, and Benchland, Mont., found to have been applicable.

390. Rate charged on like traffic from O'Neill and Schuyler, Nebr., to Red Lodge, Mont., found to have been inapplicable. Reparation awarded.

Worth Steel Co. v. *Director General*, 87 I. C. C. 29.

391. Rates on steel plates, in carloads, from Claymont, Del., to Lancaster, Steelton, York, Warren, and Oil City, Pa., found not unreasonable or otherwise unlawful. Complaint dismissed.

Everist v. *C., M. & St. P. Ry. Co.*, 87 I. C. C. 31.

392. Shipments of crushed stone from Dell Rapids, S. Dak., to Max, Iowa, reconsigned to Sioux City, Iowa, found misrouted. Reparation awarded.

Koenig Coal Co. v. *G. T. W. Ry. Co.*, 87 I. C. C. 33.

393. Demurrage charges at Detroit, Mich., on cars constructively placed, found applicable and not unreasonable. Complaint dismissed.

Hartland R. R. Co. v. *B. & O. R. R. Co.*, 87 I. C. C. 36.

394. Without determining on this record whether complainant is a common carrier subject to our jurisdiction, defendants' rules, practices, and regulations complained of, found not in violation of the interstate commerce act. Complaint dismissed.

Gammill Lumber Co. v. *A. & V. Ry. Co.*, 87 I. C. C. 41.

395. A car appropriated and detained by complainant at Pelahatchie, Miss., found subject to demurrage charges. Applicable charges found not unreasonable. Complaint dismissed.

Walford Forwarding Corp. v. *P. R. R. Co.*, 87 I. C. C. 43.

396. Demurrage and storage charges at Philadelphia, Pa., and transportation charges from Philadelphia to New York, N. Y., applied on two carloads of steel tanks, knocked down, found not unreasonable or otherwise in violation of the interstate commerce act. Complaint dismissed.

Tenn. Chemical Co. v. *L. & N. R. R. Co.*, 87 I. C. C. 46.

397. Rates on phosphate rock, in carloads, from Brewster and Prairie, Fla., to West Nashville, Tenn., found unreasonable. Reparation awarded.

Crown Willamette Paper Co. v. *Director General*, 87 I. C. C. 51.

398. Following *Crown Willamette Paper Co.* v. *Director General*, 78 I. C. C., 273, reparation awarded on shipments of wood pulp, in carloads, from Camas, Wash., to Floriston, Calif.

Standard Forgings Co. v. *I. H. B. R. R. Co.*, 87 I. C. C. 53.

399. Failure of Indiana Harbor Belt Railroad Company to perform switching service at complainant's plant while exacting rates including such service found to have resulted in unreasonable charges for interstate transportation. Reparation awarded.

City Ice & Fuel Co. v. *Director General*, 87 I. C. C. 55.

400. Rate on ice in carloads, from Akron, Ohio, to Cleveland, Ohio, during Federal control, found unreasonable. Reparation awarded.

Pacific Grain Co. v. *Director General*, 87 I. C. C. 58.

401. Rates on oats, in carloads, from South Dakota and Minnesota points via Minneapolis, Minn., under transit rules, to Tompkins and Washtucna, Wash., and Oregon City, Oreg., found unreasonable. Reparation awarded.

Harley Co. v. *Director General*, 87 I. C. C. 61.

402. Ratings on camels'-hair filter-press cloth from San Francisco, Calif., to Charlotte, N. C., found applicable. Refund of overcharge required. Complaint dismissed.

Central Wis. Supply Co. v. *C., M. & St. P. Ry. Co.*, 87 I. C. C. 63.

403. Rates applicable on a carload of coal from North Fork, W. Va., to Menomonee Falls, Wis., reconsigned to North Lake, Wis., found not unreasonable. Complaint dismissed.

Bard v. *Director General*, 87 I. C. C. 65.

404. Rate on nails, in carloads, from Kokomo, Ind., to Kalamazoo, Mich., found not unreasonable or otherwise unlawful. Complaint dismissed.

Arcady Farms Milling Co. v. *N., C. & St. L. Ry.*, 87 I. C. C. 67.

405. Rate on imported blackstrap molasses, in tank-car loads, from Key West, Fla., to Memphis, Tenn., found unreasonable. Reparation awarded.

Petroleum to El Paso, 87 I. C. C. 70.

406. Proposed rates on refined petroleum and its products, in tank cars, from Oklahoma and Kansas points to El Paso, Tex., found not justified. Suspended schedules ordered canceled, without prejudice to filing of other schedules in conformity with the views herein expressed.

Amer. Manganese Steel Co. v. *A., T. & S. F. Ry. Co.*, 87 I. C. C. 78.

407. Rates on wooden patterns, in less-than-carload quantities, from Chicago Heights, Ill., to Oakland, Calif., since June 21, 1920, found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Wilson & Co. v. *Director General*, 87 I. C. C. 81.

408. Rates on ice, in carloads, from Shell Lake, Wis., to Blue Island, Ill., found unreasonable. Reparation awarded. Report in 62 I. C. C. 618, affirmed on reargument.

Layne & Bowler Co. v. *Director General*, 87 I. C. C. 86.

409. Rate on well-boring machinery, in carloads, from Montgomery, Ala., to Welsh, La., found unreasonable to the extent that it exceeded the aggregate of the intermediate rates contemporaneously in effect. Reparation awarded.

Prairie Cotton Oil Co. v. *C., R. I. & G. Ry, Co.*, 87 I. C. C. 88.

410. Rate charged on two carloads of cotton seed from Vernon, Tex., to Chickasha, Okla., found unreasonable. Reparation awarded.

Lynchburg Foundry Co. v. *N. & W. Ry. Co.*, 87 I. C. C. 90.

411. Rate applicable on cast-iron pipe, in carloads, from East Radford, Va., to Great Falls, Mont., found not to have been unreasonable or otherwise unlawful. Fefund of overcharge directed and complaint dismissed.

Rosser & Fitch v. *S. A. L. Ry. Co.*, 87 I. C. C. 93.

412. Rate on beans, in carloads, from Pacific coast points to Jacksonville, Fla., found not to have been unreasonable or otherwise unlawful. Complaint dismissed.

Ind. State Highway Comm. v. *C., C., C. & St. L. Ry. Co.*, 87 I. C. C. 95.

413. Charges on derricks, in carloads, from Columbus, Ohio, to Indianapolis, Ind., and reconsigned to Putnamville, Ind., found not unreasonable or illegal. Shipment found to have been undercharged. Complaint dismissed.

Vanadium Corp. v. *B. & O. R. R. Co.*, 87 I. C. C. 98.

414. Import rates on vanadium ore, in carloads, from Atlantic coast ports to Bridgeville, Pa., found not unreasonable or otherwise unlawful. Complaint dismissed.

Okla. Corporation Commission v. *A. R. R.*, 87 I. C. C. 101.

415. Upon further consideration, findings in the original report, 80 I. C. C., 607, modified with respect to application of rates prescribed in Arkansas.

Elevator Supplies Co. v. *Director General*, 87 I. C. C. 102.

416. Rate on pig iron, in carloads, from Birmingham, Ala., to Weehawken, N. J., found not unreasonable. No damage shown to have resulted from any unjust discrimination or undue prejudice which may have existed. Complaint dismissed.

Galena Signal Oil Co. v. *Director Genearl*, 87 I. C. C. 105.

417. Rates on building brick, in carloads, from Fort Smith, Ark., to Galena, Tes., found unreasonable. Reparation denied for lack of proof.

Diamond Match Co. v. *Director General*, 87 I. C. C. 107.

418. Rate on logs, in carloads, from Creston to Barberton, Ohio, during Federal control, found not unreasonable or otherwise unlawful. Complaint dismissed.

Briggs & Turivas v. *M. C. R. R. Co.*, 87 I. C. C. 109.

419. Rates on scrap iron, in carloads, from Cleveland, Ohio, and Detroit and Flint, Mich., to Saxton and Everett, Pa., found not unreasonable.

Nara Visa Lumber Co. v. *Director General*, 87 I. C. C. 111.

420. Charges collected on three carloads of cottonseed cake from Memphis, Tenn., to Nara Visa, N. Mex., found not unreasonable. Complaint dismissed.

Winter's Metallic Paint Co. v. *C., M. & St. P. Ry. Co.*, 187 I. C. C. 113.

421. Upon complaint that defendant failed to furnish cars upon reasonable request for the movement of paint pigments from Neda, Wis., to interstate destinations: *Found*, That the facts of record do not justify an award of damages against defendant for its inability to furnish cars more promptly.

Southern Wire & Iron Co. v. *A., C. & Y. Ry. Co.*, 87 I. C. C. 115.

422. Joint rates on iron and steel articles, in carloads from St. Louis, Mo., and various points in Illinois, Indiana, Ohio, Pennsylvania, and New York to Dallas and Harrys, Tex., found unreasonable. Reparation awarded.

Krein v. *C., B. & Q. R. R. Co.*, 87 I. C. C. 118.

423. Divisions accorded the Muscatine, Burlington & Southern Railroad Company by defendants parties to joint rates applying to and from points on its line found not unjust, unreasonable, inequitable, or unduly prejudicial. Complaint dismissed.

Corona Coal Co. v. *S. Ry. Co.*, 87 I. C. C. 126.

424. Rate on coal, in carloads, from Southern Railway Group No. 4 mines in Alabama to Pensacola, Fla., and failure of defendants to establish additional route from Group No. 4 mines to Pensacola found not unreasonable or unduly prejudicial. Complaints dismissed.

Brown Coal Co. v. *Director General*, 87 I. C. C. 130.

425. Claim for reparation on shipments alleged to have moved during Federal control not presented formally until more than one year after the termination of Federal control and more than six months after notice to complainant that it could not be adjusted informally, found to have been abandoned. Complaint dismissed.

Anheuser-Bush v. *B. & O. C. T. R. R. Co.*, 87 I. C. C. 132.

426. Fifth-class rate on endless-chain grate fuel stokers, and parts thereof, in carloads, from East Chicago, Ind., to St. Louis, Mo., found to have been unreasonable. Reparation awarded.

Helm & Helm v. *K. C. S. Ry. Co.*, 87 I. C. C. 135.

427. Contention that a commodity rate in excess of a class rate, charged on an interstate shipment within six months after the termination of Federal control of railroads, was unreasonable and unlawful solely because General Order No. 28 of the Director General of Railroads (which the complainant contends was applicable to this shipment by virtue of section 208 (a) of the transportation act, 1920) prohibited such an adjustment, found not sustained and complaint dismissed.

Monadnock Paper Mills v. *B. & M. R. R.*, 87 I. C. C. 137.

428. Rate on wood pulp, in carloads, from Yarmouth, Me., to Bennington, N. H., found unreasonable. Reparation awarded.

Herbert & Sons v. *N. & W. Ry. Co.*, 87 I. C. C. 139.

429. Rates on one carload of pressed brick from Chattanooga, Tenn., to Bluefield, W. Va., found unreasonable. Reparation awarded.

International Paper Co. v. *Director General*, 87 I.C.C. 142.

430. Rate on machine-dried sulphite wood pulp, in carloads, from Niagara Falls to Glens Falls, N. Y., during Federal control, found unreasonable. Reparation awarded.

Restriction in routing on grain and grain products, 87 I. C. C. 144.

431. Restriction proposed by the Missouri Pacific in routing on grain and grain products accorded transit at Kansas City and St. Joseph, Mo., Atchison and Leavenworth, Kans., and reshipped to destinations in Texas, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Minneapolis Gas Light Co. v. *Director General*, 87 I. C. C. 149.

432. Rates on crude, fuel, and gas oils from points of origin in Kansas, Oklahoma, Texas, and Louisiana to Minneapolis, Minn., found to have been unreasonable to the extent that they exceeded 5 cents per 100 pounds less than the contemporaneous rates from and to the same points on refined oils. Reparation awarded.

Swift & Co. v. *Director General*, 87 I. C. C. 154.

433. Charges assessed on chopped alfalfa, in carloads, shipped from Washington and Oregon points to Lyle, Wash., and North Portland, Oreg., during 1917 and 1918, found inapplicable and unreasonable. Reasonable charges found to have been those contemporaneously applicable on baled hay. Reparation awarded.

National Live Stock Exch. v. *A., T. & S. F. Ry. Co.*, 87 I. C. C. 157.

434. Finding in 80 I. C. C. 747, that the rules and charges of defendants governing the bedding of livestock cars are not unreasonable except upon railroads which have included the cost of the bedding service in their transportation rates, affirmed upon further argument.

Nephi Plaster & Mfg. Co. v. *D. & R. G. W. R. R. Co. et al.*, 87 I. C. C. 159.

435. Rates on plaster, in carloads, (1) from Gypsum, Utah, via Nephi, Utah, to points on the Union Pacific and Oregon Short Line in Idaho, Oregon, and Montana; (2) from Lime and Gypsum, Oreg., to points on those lines in Idaho, Montana, and Utah; and (3) from Laramie, Wyo., to points on those lines in Idaho, Oregon, Montana, and Utah, found unreasonable and unduly prejudicial to the extent that they exceed a certain distance scale of rates prescribed for the future.

436. Defendants' failure to establish rates and tariff rules permitting mixing of lime and plaster from Gypsum, Utah, and loading-in-transit privileges similar to those enjoyed by producers at Gypsum, Lime, and other points in Oregon, found not unreasonable but unduly prejudicial. Undue prejudice ordered removed.

Utah Lime & Stone Co. v. *A., T. & S. F. Ry. Co.*, 87 I. C. C. 170.

437. Rates on lime, in carloads, from Dolomite, Utah, to points on the Oregon Short Line in Idaho, Montana, and Oregon found unreasonable. Reasonable distance scale of rates prescribed for the future.

438. Rates on lime, in carloads, from Dolomite, Utah, to Colorado common points found not unreasonable or unduly prejudicial, but the rates to certain points on the Union Pacific in Wyoming and on the Denver & Rio Grande Western in Colorado found unreasonable. Reasonable rates prescribed for the future.

Utah Lime & Stone Co. v. *A., T. & S. F. Ry. Co.*, 87 I. C. C. 181.

439. Rates on lime, in carloads, from Dolomite, Utah, to Los Angeles and certain other points in California on the lines of the Southern Pacific and Atchison, Topeka & Santa Fe found not unduly prejudicial, and rates to Los Angeles found not unreasonable, but rates to the other destinations found unreasonable. Reasonable rates prescribed for the future.

Du Pont de Nemours & Co. v. *G., H. & S. A. Ry. Co.*, 87 I. C. C. 189.

440. Upon motion of defendants to dismiss complaint without hearing; *Found*, That complaint for the recovery of damages filed more than two years after the effective date of the transportation act, 1920, covering shipments delivered prior to that date, but on which undercharges were paid subsequent thereto, is barred from consideration under the statute of limitations. Complaint dismissed.

Cleveland & Sons v. *B., S. L. & W. Ry. Co.*, 87 I. C. C. 193.

441. Rates on sugar, in carloads, from New Orleans and related points to Houston and Beaumont, Tex., found unreasonable. Reparation awarded. Rates on like traffic from Greeley, Eaton, and Fort Collins, Colo., found not unreasonable.

Wis. Railroad Commission v. *C. & N. W. Ry. Co.*, 87 I. C. C. 195.

442. Complaints dismissed for lack of jurisdiction to regulate the operation of passenger trains under the circumstances here presented.

Garrette & Agnew v. *S. P. Co.*, 87 I. C. C. 199.

443. Rate on barley, in carloads, from Subaco, Calif., to New Orleans, La., found not unreasonable. No proof of damage because of any undue prejudice that may have existed. Complaint dismissed.

Creamery Package Mfg. Co. v. *Director General*, 87 I. C. C. 201.

444. Rate applicable on hoop poles, in carloads, from Bay City, Mich., to Blytheville, Ark., found not unreasonable. Complaint dismissed.

West Va. Pulp & Paper Co. v. *Director General*, 87 I. C. C. 203.

445. Rate applicable on bois d'arc (Osage-orange wood), in carloads, from Wapanucka, Olney, and Tishomingo, Okla., to Cass, W. Va., via St. Louis, Mo., during Federal control, found not unreasonable.

446. Certain shipments found to have been overcharged, others undercharged, and others misrouted.

447. Waiver of undercharges authorized. Complaint dismissed.

Josey-Miller Co. v. *B. R. R. & C. Co.*, 87 I. C. C. 207.

448. Rates on mixed feeds, in straight carloads, and in mixed carloads, with articles taking grain rates or the same rates as mixed feeds, from Beaumont and Orange, Tex., to destinations in Louisiana, found unreasonable. Maximum reasonable rates prescribed for the future. Reparation awarded.

Colo. Fuel & Iron Co. v. *Director General*, 87 I. C. C. 211.

449. Switching charges on brick and sand, in carloads, from and to points within the Pueblo, Colo., switching district, during Federal control, found unreasonable. Reparation awarded.

Standard Oil Co. v. *Director General*, 87 I. C. C. 214.

450. Estimated weight used as basis for collection of freight charges on numerous tank-car loads of gasoline shipped from Neodesha, Kans., to intrastate destinations during Federal control not shown to have resulted in unjust discrimination. Complaint dismissed.

Helena Traffic Bureau v. *M. P. R. R. Co.*, 87 I. C. C. 216.

451. Rates on cereal beverages, in carloads, from St. Louis, Mo., Milwaukee, Wis., St. Paul and Minneapolis, Minn., to Helena, Ark., found to have been unreasonable during certain periods. Reparation awarded.

Colo. Milling & Elevator Co. v. *Director General*, 87 I. C. C. 222.

452. Rates collected on 16 carloads of wheat and wheat products from certain Colorado points to interstate destinations east thereof found not unreasonable, unjustly discriminatory, or in violation of the fourth section. Complaint dismissed.

Westrope v. *Director General*, 87 I. C. C. 225.

453. Rates on hay, barley, oil-cake meal, and mill run, in carloads, between California and Oregon points found to have been unreasonable. Reparation awarded.

Prince & Co. v. *Director General*, 87 I. C. C. 229.

454. One carload of mixed canned goods from Fruitvale, Calif., to Tyrone, N. Mex., found to have been misrouted. Reparation awarded.

Amer. Radiator Co. v. *Director General*, 87 I. C. C. 231.

455. Rate on core sand in carloads from Howard, Ga., to North Birmingham, Ala., between August 15 and December 25, 1919, found not unreasonable or otherwise unlawful. Complaint dismissed.

Nebr. Bridge Supply & Lumber Co. v. *Director General*, 87 I. C. C. 234.

456. Rates on red-cedar fence posts, in carloads, from points in Arkansas to destinations in Iowa, Kansas, South Dakota, Minnesota, Nebraska, Colorado, and Missouri during Federal control found to have been unreasonable. Reparation awarded.

Zelnicker Supply Co. v. *Director General*, 87 I. C. C. 239.

457. Shipment of poles from Abita Springs, La., to Rome, Ga., found overcharged. Applicable charges found not unreasonable. Complaint dismissed.

General Fire Extinguisher Co. v. *Director General*, 87 I. C. C. 241.

458. Rate on wrought-iron pipe and fittings, in less than carloads, from Warren, Ohio, to Los Angeles, Calif., found not unreasonable. Complaint dismissed.

Globe Grain & Milling Co. v. *Director General*, 87 I. C. C. 243.

459. Rate on wheat in bulk, in carloads, from Albina, Oreg., to San Francisco, Calif., found applicable and not unreasonable. Complaint dismissed.

Hardy v. *Director General*, 87, I. C. 247.

460. Rates on sheep, in double-deck carloads, from Lund and Modena, Utah, to San Diego, Calif., found not unreasonable. Certain shipments found misrouted and waiver of undercharges authorized. Complaint dismissed.

Wichita Board of Commerce v. *A., T. & S. F. Ry. Co.*, 87 I. C. C. 249.

461. Rates on cotton piece goods, any quantity, from Mississippi River crossings, and from Memphis, Tenn., to Wichita, Kans., applicable on through shipments originating at points east of Illinois-Indiana State line, points in southeastern and Carolina territories, and at Memphis, found unreasonable and unduly prejudicial. Maximum reasonable rates prescribed.

Midwest Refining Co. v. *Director General*, 87 I. C. C. 256.

462. Rate on paraffine wax, in carloads, from Casper, Wyo., to San Francisco, Calif., found unreasonable. Reparation awarded.

Jackson Traffic Bureau v. *A. & V. Ry. Co.*, 87 I. C. C. 258.

463. Rate applicable on a carload of jute bagging from Augusta, Ga., to Jackson, Miss., found not unreasonable. Refund of overcharges directed and complaint dismissed.

464. Fourth-section relief denied.

Hoosier Lime Co. v. *Director General*, 87 I. C. C. 261.

465. Rate charged on bulk or lump lime, in carloads, from Salem, Ind., to Joliet, Ill., found unreasonable. Reparation awarded.

Rollin Chemical Corp. v. *Director General*, 87 I. C. C. 263.

466. Rates on barytes, in carloads, from Evington, Va., to South Charleston, W. Va., found unreasonable. Reparation awarded.

Camp Grant Laundering & Cleaning Co. v. *Director General*, 87 I. C. C. 265.

467. Rate on soldiers' secondhand wearing apparel, and blankets between Camp Grant, Ill., and Chicago, Ill., during Federal control, found to have been unreasonable. Reparation awarded.

American Clay Products Co. v. *P. R. R. Co.*, 87 I. C. C. 268.

468. Rates on stoneware, in carloads, from Roseville, Crooskville, and Logan, Ohio, to Houston, Tex., and points in Houston-Galveston group taking the same rates, found unreasonable and unduly prejudicial. Basis of rates for the future prescribed and reparation awarded.

Ariz. Corporation Commission v. *A., T. & S. F. Ry. Co.*, 87 I. C. C. 271.

469. Rates on lumber and rough larch timber from Portland and other points in Oregon taking the same rates to Prescott, Ariz., found unreasonable. Reasonable rates prescribed.

Meridian Fertilizer Factory v. *Director General*, 87 I. C. C. 275.

470. Carload shipments of ocher from Cartersville, Ga., to Meridian, Miss., during Federal control, found to have been misrouted. Reparation awarded.

471. Fourth-section relief denied.

Palmine Co. v. *I. C. R. R. Co.*, 87 I. C. C. 279.

472. Rates on cottonseed oil, in tank-car loads, from Jackson, Kosciusko, and Crenshaw, Miss., and Jackson and Memphis, Tenn., to Dobbs Ferry, N. Y., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed without prejudice in respect of certain fourth-section departures.

Eshelman & Sons v. *A. C. R. R. Co.*, 87 I. C. C. 285.

473. Rates charged and practices enforced on materials originating in the West and South, used to make livestock and poultry feed, and transited at Lancaster and York, Pa., found to have been unjust, unreasonable, and unlawful, and to have resulted in total charges on shipments to interstate destinations in the East which were unjust, unreasonable, and unlawful. Reparation awarded.

San Luis Valley Federation of Commerce v. *Director General*, 87 I. C. C. 291.

474. Rates on various commodities from and to points in the States of California, Arizona, and Colorado, based on combinations of rates to and from Walsenburg and Salida, Colo., and Santa Fe, N. Mex., found not unreasonable or otherwise unlawful. Complaint dismissed.

Fuller & Co. v. *Director General*, 87 I. C. C. 294.

475. Rates on petroleum oil, in carloads, from San Francisco, Calif., to South San Francisco, Calif., during Federal control, found unreasonable. Reparation awarded.

Amer. Dyewood Co. v. *A. C. L. R. R. Co.*, 87 I. C. C. 297.

476. Rates on imported dyewood, cutch, and gambier, in carloads, from Atlantic ports to Chester, Pa., and rates and ratings on dyewood extracts and dyestuffs, in carloads and less than carloads, from Chester, Mobile, Ala., New York, N. Y., and Boston, Mass., to points in territories generally east of the Mississippi River, and in Canada, found not unreasonable or otherwise unlawful. Complaint dismissed.

Buehrle Co. v. *B. & O. R. R. Co.*, 87 I. C. C. 303.

477. Rates on grain and grain products, in carloads, from various points west of Youngstown, Ohio, in States other than Ohio, to points on the Franklin division of the New York Central in Ohio and Pennsylvania during the period March to December, 1920, found unduly prejudicial because of the Erie's failure to accord transit at Youngstown. Reparation denied for lack of proof of damage. Complaints dismissed.

Anheuser-Busch v. *C. & A. R. R. Co.*, 87 I. C. C. 307.

478. Rate on alcohol, not denatured, in tank-car loads, from St. Louis, Mo., to Peoria, Ill., found not unreasonable. Complaint dismissed.

Hord Grain Co. v. *Director General*, 87 I. C. C. 310.

479. Rates for the transportation of corn and oats from points in Nebraska to destinations in Wyoming and Utah in 1918 and 1919 found to have been unreasonable. Reparation awarded.

Globe Iron Co. v. *Director General*, 87 I. C. C. 313.

480. Charges collected for transportation of coal, in carloads, from complainant's mine to its furnace at Jackson, Ohio, during Federal control, found unreasonable. Reparation awarded.

West Coast Shingle Co. v. *N. P. Ry. Co.*, 87 I. C. C. 317.

481. Rates on 13-foot cedar logs, in carloads, from Fairfax, Little Rock, Black Lake, and Crocker, Wash., to Seattle and Tacoma, Wash., for export, found not unreasonable or otherwise unlawful. Complaint dismissed.

Burge-Doyle Live Stock Co. v. *A. E. R. R. Co.*, 87 I. C. C. 319.

482. Rate on baled hay, in carloads, from Litchfield, Ariz., to Los Angeles, Calif., found not unreasonable or otherwise unlawful. Complaint dismissed.

Mich. Tanning & Extract Co. v. *C., M. & St. P. Ry. Co.*, 87 I. C. C. 322.

483. Rate on tanbark, in carloads, from B. & B. spur, Mich., to Fremont, Mich., over an interstate route, found not unreasonable or unduly prejudicial, but found to violate the long-and-short-haul provision of the fourth section. Complaint dismissed.

Grenada Oil Mills v. *Director General*, 87 I. C. C. 325.

484. Demurrage charges collected at Grenada, Miss., on intrastate shipments of cottonseed, in carloads, during Federal control, found applicable and not unreasonable. Complaint dismissed.

West End Chemical Co. v. *L. A. & S. L. R. R. Co.*, 87 I. C. C. 327.

485. Rates on colemanite, in carloads, from complainant's spur near Dike and Valley, Nev., to San Francisco, Calif., found unreasonable. Reparation awarded and maximum reasonable rate prescribed for the future. Collection of undercharges to be waived.

Callahan & Sons v. *Director General*, 87 I. C. C. 331.

486. Charges on grain shipped from East St. Louis, Ill., to Louisville, Ky., and reshipped from Louisville to New Orleans, La., for export, demanded by defendant on the basis that the published transit arrangement did not apply to export shipments, found inapplicable. Complaint dismissed.

Pacific Grain Co. v. *Director General*, 87 I. C. C. 333.

487. Rates on whole corn and oats, in carloads, from points in Groups F and G to Cottonwood, Tenn., and Grangeville, Idaho, during the period from October 14, 1918, to December 21, 1919, found not unreasonable. Complaint dismissed.

Cambria Steel Co. v. *Director General*, 87 I. C. C. 336.

488. Rates on bituminous coal, in carloads, from points in Pennsylvania to Johnstown, Pa., during Federal control, found unreasonable. Reparation awarded.

Spence v. *Director General*, 87 I. C. C. 339.

489. Rating and rates on "pumping powers" found applicable to certain combination gas engine and pumping powers shipped by complainant. Complaint dismissed.

Cambria Steel Co. v. *Director General*, 87 I. C. C. 342.

490. Rate charged on fluxing stone, in carloads, from Shreiners, Pa., to Johnstown, Pa., during Federal control, found unreasonable. Reparation awarded.

Shearman Concrete Pipe Co. v. *S. Ry. Co.*, 87 I. C. C. 344.

491. Rates on concrete sewer and drain pipe, in carloads, from Knoxville, Tenn., to McCormick, Irmo, Ballentine, White Rock, Ulmers, and Monetta, S. C., and Appalachia, Va., found unreasonable. Reparation awarded.

Lockport Paper Co. v. *W. M. Ry. Co.*, 87 I. C. C. 347.

492. Rates charged on crushed greenstone, in carloads, from Gladhill, Pa., and near-by sidings to Lockport, N. Y., found unreasonable. Reparation awarded.

Cottonseed products from Texas to Louisville, 87 I. C. C. 351.

493. Proposed increased rates on cottonseed meal and cake, and articles taking the same rates, in straight or mixed carloads, from Texas common points to Louisville, Ky., and points in West Virginia, found not justified. Suspended schedule ordered canceled and proceeding discontinued.

494. Fourth-section relief denied.

Patterson Co. v. *P. M. Ry. Co.*, 87 I. C. C. 357.

495. Loss sustained in connection with the shipment of a carload of automobiles not shown to have resulted from any violation of the interstate commerce act. Complaint dismissed.

McElwain Co. v. *Director General*, 87 I. C. C. 359.

496. Rate on boots and shoes, in less than carloads, from Boston, Mass., to New York, N. Y., found not unreasonable. Complaint dismissed.

Utah-Idaho Sugar Co. v. *Director General*, 87 I. C. C. 361.

497. Rate applicable on refuse sirup or beet-sugar final molasses, in tank-car loads, from Cornish, Utah, to Sugar City, Idaho, found unreasonable. Reparation awarded.

Bruning Mill & Elevator v. *C., B. & Q. R. R. Co.*, 87 I. C. C. 363.

498. Rates charged on grain, in carloads, from Bruning, Nebr., to Kansas City, Mo., found unreasonable. Reparation awarded.

Chicago Fire Brick Co. v. *Director General*, 87 I. C. C. 365.

499. Rates charged beyond Minnesota Transfer, Minn., on hollow building tile, in carloads, from Brook, Ind., to Great Bend, N. Dak., found inapplicable, and shipments found undercharged. Complaint dismissed.

West Cache Sugar Co. v. *Director General*, 87 I. C. C. 368.

500. Rate charged on a carload of sugar shipped on November 7, 1919, from Cornish to Ogden, Utah, found unreasonable. Reparation awarded.

Eric Corp. v. *D., L. & W. R. R. Co.*, 87 I. C. C. 371.

501. Rate on imported sisal, in carloads, from Mobile, Ala., to New Bedford, Mass., found to have been and to be unreasonable. Reparation awarded and measure of reasonable maximum rate prescribed for the future.

Hanging Rock Iron Co. v. *N. & W. Ry. Co.*, 87 I. C. C. 373.

502. Combination rates on interstate carload shipments of mill cinder, mill scale, fire brick, coke, ex-lake iron ore, pig iron, and coal to and from complainant's furnace plant and coal mine on the New Castle & Ohio River Railway found unreasonable and unduly prejudicial. Reasonable and nonprejudicial joint rates prescribed for the future, and reparation awarded.

503. Bases for payment by the New Castle & Ohio River Railway for use and detention of foreign cars on its line prescribed.

504. The just, reasonable, and equitable division to be received by the New Castle & Ohio River Railway, out of the joint rates prescribed for the future, prescribed.

Lackawanna Steel Co. v. *Director General*, 87 I. C. C. 383.

505. Rates on bituminous coal, in carloads, from the Reynoldsville, Pittsburgh, Connellsville, No. 8, and Cambridge districts to Buffalo, N. Y., and points taking the same rates found not unreasonable.

506. Rates on bituminous coal, in carloads, from certain districts in western Pennsylvania and eastern Ohio to Lockport, N. Y., found not unreasonable, but unduly prejudicial to the extent that they exceed the contemporaneous rates to Buffalo.

Houston Cotton Exch. & Board of Trade v. *A. & A. R. R. Corp.*, 87 I. C. C. 392.

507. Rail-and-water and rail-water-and-rail rates on cotton from Oklahoma points to points in New England territory found unreasonable. Establishment of reasonable maximum joint rates required.

508. Rail-and-water and rail-water-and-rail rates on cotton from Oklahoma points to other points in northeastern United States found not unreasonable.

Krueger v. *N. P. Ry. Co.*, 87 I. C. C. 399.

509. Rate in effect from June 25, 1918, to December 7, 1918, inclusive, for the transportation of coal, in carloads, from Duluth, Minn., to New Duluth, Minn., found to have been unreasonable. Reparation awarded.

Acme Fruit Co. v. *C. P. Ry. Co.*, 87 I. C. C. 401.

510. Rates on bananas, in carloads, from New Orleans, La., and Mobile, Ala., to points in western Canada found not unreasonable. Complaint dismissed.

Omaha Steel Works v. *A., T. & S. F. Ry. Co.*, 87 I. C. C. 403.

511. Rates charged on gas oil, in carloads, from Allen, Drumright, and Muskogee, Okla., and Wichita U. S. Yards, Kans., to Omaha, Nebr., and on fuel oil, in carloads, from Eldorado, Kans., and Cushing, Okla., to Fullerton and Osceola, Nebr., respectively, found to have been unreasonable. Reparation awarded.

Mass. Ice Dealers Asso. v. *Director General*, 87 I. C. C. 407.

512. Shipments of ice, in carloads, from Long Island City and Vandeveer Park, Long Island, East New York, N. Y., and Flatbush Avenue, Brooklyn, N. Y., to points in Boston, Mass., rate territory during August and September, 1919, found to have been misrouted. Reparation awarded.

Scott, Magner & Miller v. *Director General*, 87 I. C. C. 409.

513. Rates on hay, in carloads, between California points during Federal control found unreasonable. Reparation awarded.

Kraus Bros. Lumber Co. v. *G., M. & N. R. R. Co.*, 87 I. C. C. 412.

514. Freight and demurrage charges on lumber, in carloads, from points in Mississippi to Mobile, Ala., reconsigned to points in Indiana, Illinois, Ohio, Pennsylvania, Tennessee, and West Virginia, found illegal. Reparation awarded.

Republic Coal Co. v. *C., M. & St. P. Ry. Co.*, 87 I. C. C. 415.

515. Demurrage charges for detention of a car of coal at Roswell, S. Dak., found applicable and not unreasonable. Complaint dismissed.

Arnold, Hoffman & Co. v. *N. Y., N. H. & H. R. R. Co.*, 87 I. C. C. 417.

516. Sixth-class rate charged on shipments of coal, in carloads, from Darlington, R. I., to Dighton, Mass., found unreasonable. Reparation awarded.

Jacobs, Malcolm & Burtt v. *A. E. R. R. Co.*, 87 I. C. C. 419.

517. Rate charged on grapefruit, in carloads, from Phoenix, Ariz., to San Francisco, Calif., found unreasonable. Reparation awarded.

Bancroft & Sons Co. v. *Director General*, 87 I. C. C. 421.

518. Charges collected on 25 cars of coal from various points in Pennsylvania to Wilmington, Del., during Federal control, found illegal. Reparation awarded.

Anderson Lumber Co. v. *N. P. Ry. Co.*, 87 I. C. C. 425.

519. Rates on window and door frames, knocked down, with or without pulleys, in carloads, from South Stillwater, Minn., to points in trunk-line, central, western trunk-line, southeastern, and southwestern territories, found not unreasonable or unjustly discriminatory, but unduly prejudicial. Reparation denied.

520. The granting of certain transit arrangements at points in Oregon, Washington, and Idaho on lumber manufactured into window and door frames, knocked down while contemporaneously denying similar arrangements at South Stillwater, found unduly prejudicial to complainant. Undue prejudice ordered removed.

Reiss Coal Co. v. *P. M. Ry. Co.*, 87 I. C. C. 438.

521. Rates charged on anthracite coal, in carloads, from Pittston, Dunmore, Avoca, and Coxton, Pa., to St. Paul and Minneapolis, Minn., during Federal control, found not unreasonable or otherwise unlawful and complaints dismissed, except as to two shipments found to have been misrouted and reparation awarded.

Compagnie Auxiliare v. *D., L. & W. R. R. Co.*, 87 I. C. C. 443.

522. Upon further argument original findings and order, 77 I. C. C. 60, affirmed.

Iola Cement Mills Traffic Asso. v. *A. W. Ry. Co.*, 87 I. C. C. 451.

523. Rates on cement, in carloads, from points in the Kansas gas belt, including Dewey, Okla., over interstate routes, to points in Oklahoma found unreasonable and unduly preferential of Ada, Okla., Bonner Springs, Kans., and Sugar Creek, Mo., and shippers therefrom, and unduly prejudicial to producing points in the Kansas gas belt, including Dewey and shippers therefrom. Reasonable and nonprejudicial rates prescribed.

524. Rates on cement, in carloads, from Ada, Okla., to points in Kansas found unreasonable and unduly preferential of manufacturers of cement at Bonner Springs, Kans., and unduly prejudicial to Ada and shippers therefrom. Reasonable and nonprejudicial rates prescribed.

525. Rate applicable on cement from Chanute, Kans., to Waynoka, Okla., found unreasonable. Reparation awarded.

526. Fourth-section relief granted.

Adequacy of transportation facilities, 87 I. C. C. 472.

527. In response to Senate Resolution No. 414, the facts as ascertained concerning the adequacy and sufficiency of the transportation facilities furnished in 1922 for the movement of the products of the northwest Pacific States by the carriers which serve that section, reported. Proceeding discontinued.

Moore Stave Co. v. *Director General*, 87 I. C. C. 503.

528. Shipments of casks, in carloads, from New Orleans, La., to St. Paul and South St. Paul, Minn., found to have been overcharged. Reparation awarded.

Tacoma Commercial Club v. *N. P. Ry. Co.*, 87 I. C. C. 507.

529. Exclusion of South Tacoma from switching district of Tacoma, Wash., found unduly prejudicial. The undue prejudice ordered removed.

Automobile Gasoline Co. v. *Director General*, 87 I. C. C. 514.

530. Rates on petroleum and its products, in tank-carloads, from Roxana, Ill., to St. Louis, Mo., found unreasonable. Reparation awarded.

Chevrolet Motor Co. v. *Director General*, 87 I. C. C. 517.

531. Rates applicable on empty wooden crates, knocked down, in carloads, from Oakland, Calif., Fort Worth, Tex., and St. Louis, Mo., to Flint, Mich., found unreasonable. Measure of maximum reasonable rates prescribed for the future and reparation awarded.

Seneca Fibre Products Co. v. *Director General*, 87 I. C. C. 521.

532. Minimum fifth-class rate charged beyond Skaneateles Junction, N. Y., on paper box board, in carloads, from Mottville, N. Y., to Seneca Falls, N. Y., during Federal control, found unreasonable. Reparation awarded. Former report, 78 I. C. C. 311, affirmed.

Davis Fire Brick Co. v. *B. & O. R. R. Co.*, 87 I. C. C. 523.

533. Interstate rates on fire brick, in carloads, from Ottawa, Ill., to Chicago, Ill., and points taking the same rates or basing thereon, found not unreasonable but unduly prejudicial to complainant in No. 14249 and unduly preferential of producers in the St. Louis, Mo., district. Undue prejudice ordered removed.

534. Rates on like traffic from the Portsmouth, Ohio-Ashland, Ky., district not found unduly prejudicial. Complaint in No. 14019 dismissed.

535. Basis prescribed for reasonable rates from St. Louis district on fire brick and findings in *National Paving Brick Mfrs. Asso.* v. *A. & V. Ry. Co.*, 68 I. C. C. 213, modified accordingly.

Jackson Paper Co. v. *A. & V. Ry. Co.*, 87 I. C. C. 529.

536. Rate on paper tablets, in carloads, from Birmingham, Ala., to Jackson, Miss., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Midland Coal Co. v. *C., R. I. & P. Ry. Co.*, 87 I. C. C. 533.

537. Rate applicable on nut coal, in carloads, from Wilburton, Okla., to Dittlinger, Tex., found not unreasonable. Complaint dismissed.

Jackson Traffic Bureau v. *A. & V. Ry. Co.*, 87 I. C. C. 535.

538. Rate on a carload of newsprint paper from Corinth, N. Y., to Jackson, Miss., found not unreasonable or otherwise unlawful. Complaint dismissed.

Zimmern's Co. v. *B., S. L. & W. Ry. Co.*, 87 I. C. C. 537.

539. Joint class rate applied on a carload of rice bran, in sacks, from Beaumont, Tex., to Mobile, Ala., found to have been unreasonable to the extent that it exceeded the aggregate of the intermediate rates subject to the interstate commerce act contemporaneously in effect over the route of movement. Reparation awarded.

Minnesota & Ontario Paper Co. v. *M., K. & T. Ry. Co.*, 87 I. C. C. 539.

540. Rate charged on two carloads of newsprint paper shipped during June, 1921, from St. Louis, Mo., to Tulsa, Okla., found unreasonable. Reparation awarded.

Graniteville Mfg. Co. v. *Director General*, 87 I. C. C. 541.

541. Any-quantity rate on cotton piece goods, from Graniteville, S. C., to Sloatsburg, N. Y., during Federal control, found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Unit Stove & Furnace Co. v. *C. & O. R. R. Co.*, 87 I. C. C. 543.

542. Carload shipments of coke from Sewell, W. Va., to North Birmingham, Ala., found not misrouted, and rate thereon found not unreasonable or otherwise unlawful. Complaint dismissed.

Western Electric Co. v. *Director General*, 87 I. C. C. 545.

543. Rates charged for the transportation of five carload shipments of creosoted yellow-pine poles shipped from Mobile, Ala., to Barnett, Sandersville, Poplarville, and Purvis, Miss., from May 16 to June 12, 1919, found unreasonable. Reparation awarded.

St. Louis Merchants Exchange v. *A. & R. R R. Co.*, 87 I. C. C. 547.

544. Rates on grain, grain products, and feed, in carloads, from Mississippi and Ohio River crossings, Cincinnati, Ohio, to New Orleans, La., inclusive, and

points north and west thereof to Mississippi Valley, southeastern, and Carolina territories found not unreasonable or unduly prejudicial.

545. Transit and reshipping rules and the basing-point system of constructing rates on the same commodities in the aforesaid territories found not unduly prejudicial to complainants. Complaint dismissed.

Administration of Section 4, 87 I. C. C. 564.

546. In response to Senate Resolution No. 472, the facts as ascertained concerning the administration of section 4 of the interstate commerce act reported. Proceeding discontinued.

Texas Gulf Sulphur Co. v. *C. R. R. Co.*, 87 I. C. C. 613.

547. Rate on crude sulphur, in carloads, from New York, N. Y., to Baltimore, Md., and from Baltimore to Brills, N. J., found unreasonable. Reparation awarded.

Aluminum Co. v. *Director General*, 87 I. C. C. 615.

548. Rates on petroleum coke from West Port Arthur, Tex., to Badin, N. C., and Maryville, Tenn., found unreasonable. Reparation awarded.

Fort Smith, S. & R. I. R. R. Co. v. *A. C. R. R. Co.*, 87 I. C. C. 617.

549. Complaint seeking the establishment of through routes and joint rates in connection with the Fort Smith, Subiaco & Rock Island Railroad as intermediate carrier held defective for lack of proper parties defendant.

550. Findings made that such through routes should be established under certain circumstances set forth in the report and case held open for further action in the event that carriers do not comply with such findings.

Palmer v. *M. P. R. R. Co.*, 87 I. C. C. 622.

551. Rates on mine timbers, in carloads, from points in Missouri to destinations in Illinois found unreasonable but not unduly prejudicial. Rates prescribed for the future, and reparation awarded.

Icing of milk, cream, and other dairy products, 87 I. C. C. 634.

552. Proposed cancellation of a provision for icing less-than-carload shipments of milk, cream, and other dairy products at points on the New York, New Haven & Hartford Railroad and Central New England Railway found not justified. Suspended schedules ordered canceled.

Nonapplication of class rates on fish, 87 I. C. C. 640.

553. Proposed cancellation of the application of proportional class rates between points in Maine on the Maine Central Railroad to shipments of canned or cured fish moving to destinations in central territory found justified in part. Suspended schedules ordered canceled, without prejudice to filing of other schedules in conformity with views expressed.

Wood Iron & Steel Co. v. *Director General*, 87 I. C. C. 643.

554. Rate for switching fluxing stone, in carloads, from quarries to furnaces at Swedeland, Pa., during Federal control, found unreasonable. Reparation awarded.

Kansas City Brick Co. v. *K. C. S. Ry. Co.*, 87 I. C. C. 646.

555. Rates on fuel oil, in carloads, from points in Oklahoma to Vale, Mo., found unreasonable and unduly prejudicial. Reparation awarded and reasonable and nonprejudicial rates prescribed for the future.

Wichita Board of Commerce v. *A., T. & S. F. Ry. Co.*, 87 I. C. C. 649.

556. Rate charged on carload shipments of so-called coffin stock from Santa Clara, Calif., to Wichita, Kans., found to have been authorized by the tariffs.

557. Present rate applicable to the traffic found not unreasonable or otherwise unlawful, but rate charged found unreasonable to the extent that it exceeded the present rate. Reparation awarded.

Cancellation of transit privileges on grain and grain products, 87 I. C. C. 652.

558. Proposed cancellation of transit arrangement at New Orleans on grain and grain products originating at Memphis, Tenn., St. Louis, Mo., and points in Illinois on the Illinois Central destined to points on the Louisiana Railway & Navigation line west of Naples, La., to and including Shreveport, La., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Blackshear Mfg. Co. v. *A. C. L. R. R. Co.*, 87 I. C. C. 654.

559. Rates on fertilizer, in carloads and less than carloads, from Blackshear, Ga., to certain points in Florida found unreasonable. Maximum reasonable rates for the future prescribed.

560. No definite finding made with respect to allegations of undue prejudice, but case held open to afford an opportunity to revise intrastate rates in harmony with interstate rates herein prescribed.

Paxton & Gallagher Co. v. *Director General*, 87 I. C. C. 668.

561. Proportional rate from Mississippi River crossings to Omaha, Nebr., on bicarbonate of soda, in carloads, originating east of the Indiana-Illinois State line, found unreasonable. Reasonable rate for the future prescribed. Reparation awarded.

Ryegate Paper Co. v. *B. & M. R. R.*, 87 I. C. C. 673.

562. Rate on pulp wood, in carloads, from Daaquam, Quebec, Canada, to East Ryegate, Vt., found applicable but unreasonable. Reparation awarded.

Vickers Petroleum Co. v. *S. S. Ry. Co.*, 87 I. C. C. 676.

563. Demurrage charges assessed on empty tank cars at Sand Springs, Okla., found illegal. Reparation awarded.

Texas State Highway Department v. *Director General*, 87 I. C. C. 678.

564. First-class rating and rates applied on carload shipments of automobile trucks and chassis, set up, from Chicago, Ill., to Amarillo, Tex., found not unreasonable. Shipments found to have been misrouted and overcharged. Reparation awarded.

Marshall Tie Co. v. *S. Ry. Co.*, 87 I. C. C. 681.

565. Rate on lumber, in carloads, from Cherokee, Ala., to Hopkinsville, Ky., found unreasonable. Reparation awarded.

By-products Coke Corp. v. *Director General*, 87 I. C. C. 683.

566. Charges on light oil of coal tar from the destructive distillation of coal, in tank-car loads, from South Chicago, Ill., to Solvay, N. Y., found not unreasonable prior to April 28, 1918, but unreasonable on and after that date. Reparation awarded.

Atlantic Bitulithic Co. v. *M. P. & Ry. Co.*. 87 I. C. C. 687.

567. Demurrage charges for the detention of cars moving in interstate transportation to a siding on the Monongahela Power & Railway near Viropa, W. Va., found applicable, except in so far as the time consumed in moving shipments from hold tracks to point of actual placement was included in detention period. Refund directed and complaint dismissed.

Gulf Refining Co. v. *Director General*, 87 I. C. C. 690.

568. Rate applied on fuel oil in tank cars from Gray's Ferry station to Midvale station in Philadelphia, Pa., during Federal control, found unreasonable. Reparation awarded.

Salt Lake Potash Co. v. *A. C. L. R. R. Co.*, 87 I. C. C. 695.

569. Rates on low-grade sulphate of potash, or potash salts, in carloads, from Kosmo, Utah, to Shreveport, La., Brundidge, Ala., Meigs, Ga., and Gulfport, Miss., found unreasonable. Reparation awarded.

Jonesboro Freight Bureau v. *H. E. & W. T. Ry. Co.*, 87 I. C. C. 699.

570. Rates on packing-house products, lard, and lard substitutes, in carloads, from Houston, Tex., to Jonesboro, Ark., found to be unduly prejudicial to Jonesboro and unduly preferential of Memphis, Tenn. Undue prejudice and preference ordered removed.

Jointless Fire Brick Co. v. *C. I. & L. Ry. Co.*, 187 I. C. C. 702.

571. Sixth-class rates on ground fire brick, fire clay, and water combined, in car-loads, from Chicago, Ill., to Fort Payne and Birmingham, Ala., found applicable but unreasonable. Reparation awarded and reasonable rates prescribed for the future.

Amalgamated Sugar Co. v. *Director General*, 87 I. C. C. 705.

572. Rates on coal, in carloads, from Paul, Idaho, to Ogden and Lewiston, Utah, found unreasonable. Reparation awarded.

Krauss Bros. Lumber Co. v. *Director General*, 87 I. C. C. 707.

573. Demurrage charges assessed on lumber, in carloads, from Jakin, Ga., to Richmond, Va., and there reconsigned to northeastern points, found not unreasonable or otherwise unlawful. Complaint dismissed.

Schuette Co. v. *C., M. & St. P. Ry. Co.*, 87 I. C. C. 709.

574. Rate on lumber, in carloads, from points in Idaho, Montana, and Washington to destinations in Connecticut, New York, and Massachusetts between December 28, 1921, and February 4, 1922, found not unreasonable. Complaint dismissed.

Amer. Publishing Co. v. *Director General*, 87 I. C. C. 711.

575. Rates charged on newsprint paper, in rolls, in carloads, from International Falls, Minn., and Fort Frances, Ontario, Canada, to Austin, Tex., found unreasonable. Reparation awarded.

Morcland Motor Truck Co. v. *P. R. R. Co.*, 87 I. C. C. 715.

576. Rates on gas engines and autotruck axles, in carloads, from points in Pennsylvania, Ohio, Michigan, and Wisconsin to certain California destinations found not unreasonable or unduly prejudicial. Complaint dismissed.

Hoosier Lime Co. v. *Director General*, 87 I. C. C. 718.

577. Rate charged on bituminous coal, in carloads, from Victoria and Midland, Ind., to Salem, Ind., during Federal control, found unreasonable. Reparation awarded.

Williams & Sons v. *V. B. R. Ry. Co.*, 87 I. C. C. 721.

578. Claim for reparation on account of alleged misrouting of lumber, in carloads, from Woodson, Va., to Toronto, Ontario, Canada, found barred by the statute of limitations. Complaint dismissed.

Howard v. *P. M. Ry. Co.*, 87 I. C. C. 723.

579. Rates on metal automobile parts from North Flint, Mich., to San Francisco and Los Angeles, Calif., and Portland, Oreg., found not unreasonable unjustly discriminatory, or unduly prejudicial. Refund of outstanding overcharges directed. Complaint dismissed.

Fairbanks Co. v. *B. & A. R. R. Co.*, 87 I. C. C. 725.

580. Rates on coke, in carloads, from Everett, Mass., to Binghamton, N. Y., found unreasonable. Reparation awarded.

Warfield-Pratt-Howell Co. v. *T. & P. Ry. Co.*, 87 I. C. C. 729.

581. Upon further hearing, carload of sugar shipped from Fort Worth, Tex., to Des Moines, Iowa, found overcharged. Reparation awarded. Previous report, 81 I. C. C., 733.

Grain and Grain Products to Indiana, 87 I. C. C. 731.

582. Proposed increased and reduced reshipping rates on grain and grain products from Chicago and Peoria, Ill., other points in Illinois, and points in Wisconsin, to points in central and northern Indiana, reshipping rates on grain by-products from Peoria to such Indiana points, and local rates on grain by-products from Chicago, Peoria, and St. Louis, Mo., to such Indiana points, found not justified. Suspended schedules ordered canceled.

Naval Stores from Southern Producing Points, 87 I. C. C. 740.

583. Proposed readjustment of the rates on naval stores from producing points in the Southeast and Mississippi Valley to various destination territories found not justified. Suspended tariffs ordered canceled and respondents required to file new tariffs containing rates on the basis herein prescribed.

584. Fourth-section applications denied.

585. Proposed rates on naval stores from Mississippi Valley points to the Gulf ports found not justified. Suspended tariffs ordered canceled and proceeding discontinued.

Crushed stone from Thornton, 87 I. C. C. 759.

586. Proposed cancellation of joint rates on crushed stone, in carloads, from Thornton, Ill., to industries at stations in the Chicago district found not justified. Suspended schedules ordered canceled.

American Sand & Gravel Co. v. *C. & N. W. Ry. Co.*, 88 I. C. C. 1.

587. Rates on sand and gravel, in carloads, from Watertown, S. Dak., and from complainant's pit west of Yahota, S. Dak., to points in Minnesota, found unreasonable and reasonable rates prescribed.

United Verde Extension Mining Co. v. *A., T. & S. F. Ry. Co.*, 88 I. C. C. 5.

588. Upon complaint at the rates on classes and commodities from eastern transcontinental rate groups and from California to Clarkdale, Ariz., were unreasonable, unjustly discriminatory, and unduly prejudicial: *Held*, That these allegations are not sustained as to the rates in the past but for the future such rates will be unreasonable to the extent they may exceed the basis indicated. Reasonable rates prescribed.

Western coal rates, 88 I. C. C. 13.

589. Upon further consideration of the record previous findings with respect to rates on coal from the northern Colorado and Walsenburg, Colo., districts to Cheyenne, Wyo., and points north thereof modified in the particulars herein set forth. Original report 80 I. C. C. 383.

Newport Milling Co. v. *Director General*, 88 I. C. C. 17.

590. Rate charged for the transportation of 15 cars of scrap tin plate from Milwaukee to Carrollville, Wis., during the period from February 6, 1919, to February 28, 1920, found not unreasonable. Complaint dismissed.

Butterworth-Judson Corp. v. *Director General*, 88 I. C. C. 19.

591. Upon further argument original finding, 74 I. C. C., 191, that rate on crude sulphur, in carloads, from New York Harbor to Newark, N. J., was unreasonable, affirmed.

Pearson v. *I. C. R. R. Co.*, 88 I. C. C. 21.

592. Carload shipments of lumber detained at New Orleans, La., found to have been unclaimed shipments, and not subject to demurrage during a portion of the period of detention. Reparation awarded.

Dockage, handling, and storage charges, 88 I. C. C. 24.

593. Proposed changes in tariff covering dockage, storage, and handling charges on traffic received from or delivered to lake lines at Duluth, Minn., and Superior and Itaska, Wis., found not justified. Suspended schedules ordered canceled.

Atlas Portland Cement Co. v. *C., B. & Q. R. R. Co.*, 88 I. C. C. 27.

594. Rates on cement in carloads from Hannibal, Mo., to points in Iowa found reasonable but unduly prejudicial to Hannibal, Mo., and shippers therefrom and unduly preferential of producing points in Iowa and shippers therefrom. Undue prejudice and preference ordered removed.

Sweet Dreams Co. v. *L. & N. R. R. Co.*, 88 I. C. C. 33.

595. Western classification ratings and resulting rates from Montgomery, Ala. to Houston, Tex., applicable on carload shipments of liquid insecticides or insect repellants, other than agricultural, in glass or earthenware, found unreasonable. Reparation awarded.

Mason City Brick & Tile Co. v. *Director General*, 88 I. C. C. 37.

596. Rates on draintile, in carloads, from Mason City, Iowa, to destinations in Minnesota, Wisconsin, North Dakota, and South Dakota, found subject to a flat increase of 2 cents per 100 pounds during certain periods and an increase of 25 per cent during other periods between the dates of June 25, 1918, and February 29, 1920. So-called double increases during certain periods and single increases during other periods between the dates of June 25, 1918, and February 29, 1920, found applicable to combination rates on draintile from Mason City to points on the Great Northern, Northern Pacific, and Minneapolis, St. Paul & Sault Ste. Marie Railways.

597. Single-line rates subject to the percentage increases and combination rates subject to double increases charged on draintile, in carloads, from Mason City to various points, found not unreasonable, unjustly discriminatory, or unduly prejudicial.

Burlington Shippers' Asso. v. *A., T. & S. F. Ry. Co.*, 88 I. C. C. 46.

598. Rate on sugar, in carloads, from New Orleans, La., and points taking the same rate to Burlington, Iowa, not shown to be unreasonable or otherwise unlawful. Complaint dismissed.

Parkersburg Rig & Reel Co. v. *B. & O. R. R. Co.*, 88 I. C. C. 49.

599. Failure to accord fabrication in transit at Parkersburg, W. Va., on iron and steel articles found not unreasonable, but as to iron and steel sheets 16 gauge and heavier, found illegal on and after August 12, 1921. No damage shown to have resulted from alleged undue prejudice, and reparation denied. Finding in original report, 63 I. C. C., 363, affirmed, and complaint in No. 13980 dismissed.

Wickwire Spencer Steel Corp. v. *Director General*, 88 I. C. C. 54.

600. Rate on bituminous coal from Leetonia, Ohio, to Harriet, N. Y., found unreasonable. Reparation awarded.

United States Steel Products Co. v. *Director General*, 88 I. C. C. 57.

601. Adhering to the findings in the prior report, 73 I. C. C., 505, detention charges assessed but not paid at the ports of Seattle and Tacoma, Wash., on carload freight moving on through trans-Pacific export bills of lading from points in the United States east of the Mississippi River to Japan and other far eastern destinations found illegal. Complaint in No. 14209 dismissed.

Divisions received by Brimstone R. R. & C. Co., 88 I. C. C. 62.

602. Following original report in this case, 68 I. C. C., 375, just, reasonable, and equitable divisions to the Brimstone Railroad & Canal Company prescribed on traffic to and from its connections.

Hampton & Branchville R. R. & L. Co. v. *A. C. L. R. R. Co.*, 88 I. C. C. 77.

603. Divisions of interstate joint rates accorded complainant found not unjust, unreasonable, inequitable, or otherwise unlawful. Complaint dismissed.

Ariz. Corp. Commission v. *A. E. R. R. Co.*, 88 I. C. C. 90.

604. Upon further consideration of the record, findings of report on further hearing, 85 I. C. C. 76, modified in part.

Portland Flouring Mills Co. v. *G. N. Ry. Co.*, 88 I. C. C. 94.

605. Rate on wheat and flour and on coarse grains, in carloads, from Harrington, Wash., to Portland, Oreg., via Spokane, Wash., found unreasonable to the extent that it exceeds 27.5 cents. Reasonable rate for the future prescribed.

Portland Flouring Mills Co. v. *S. P. & S. Ry. Co.*, 88 I. C. C. 99.

606. Refusal of defendants to accord north Pacific coast terminal rates on coarse grains, in carloads, from Minneapolis, Minn., via Portland, Oreg., to destinations from Centralia, Wash., north to and including Everett, Wash., with milling and cleaning in transit at Portland, found unduly prejudicial. Undue prejudice ordered removed.

Garratt-Callahan Co. v. *A. C. L. R. R. Co.*, 88 I. C. C. 103.

607. Fourth-class rating of boiler-preservative compounds and boiler-metal treatments or scale-removing compounds, in liquid form, in carloads, in the official classification found unreasonable, but not unjustly discriminatory or unduly prejudicial. Fifth class, minimum 36,000 pounds, prescribed for the future. Ratings in southern and western classifications not considered on this record. Reparation denied.

St. L.-S. F. Ry. Co. v. *N. A. Ry. Co.*, 88 I. C. C. 107.

608. Divisions of joint rail-and-water rates accorded complainant on coal, in carloads, from points on the lines of the Northern Alabama Railway Company and Southern Railway Company to Mobile, Ala., New Orleans, La., and other interstate destinations considered. Case held open 90 days to afford parties an opportunity to adjust their differences by conference.

Slogo Coal Corp. v. *M. P. R. R. Co.*, 88 I. C. C. 111.

609. Rates on coal, in carloads, from the Slogo mine at Johnston City, Ill., to certain interstate destinations found unduly prejudicial. Undue prejudice ordered removed.

610. Complaint in No. 12737 (Sub-No. 1) dismissed.

Beaver Sand Co. v. *Director General*, 88 I. C. C. 115.

611. Refusal of the Pennsylvania to participate in joint rates on interstate traffic from the Beaver Sand Company while making an allowance out of its line-haul rates on like traffic from the Ohio River Sand Company found unduly prejudicial, and original report, 66 I. C. C. 285, modified. Reparation denied. Undue prejudice ordered removed.

Mangelsdorf Seed Co. v. *A., T. & S. F. Ry. Co.*, 88 I. C. C. 120.

612. Rates on sorghum and Sudan seed from Texas points to Kansas City, Mo., Atchison and Lawrence, Kans., and points beyond in central and southern territories, found unreasonable. Maximum reasonable rates for the future prescribed and reparation awarded.

Marfield Grain Co. v. *A. & W. Ry. Co.*, 88 I. C. C. 126.

613. Demurrage charges on a carload of corn shipped from Minneapolis, Minn., to Sturgeon Bay, Wis., diverted to Sawyer, Wis., and reconsigned to Maplewood, Wis., found to have been unlawful to the extent indicated. Complaint dismissed.

Gulfport Fertilizer Co. v. *L. & N. R. R. Co.*, 88 I. C. C. 129.

614. Rate on phosphate rock, in carloads, from Mount Pleasant, Tenn., to Gulfport, Miss., found not unreasonable. Complaint dismissed.

N. W. Clay Mfg. Co. v. *R. I. S. Ry. Co.*, 88 I. C. C. 131.

615. Rates on bituminous coal, in carloads, applicable during Federal control from Gilchrist, Ill., to Hopewell, Ill., as components of combination rates on shipments from Matherville, Ill., found unreasonable. Reparation awarded.

Standard Time Zone Investigation, 88 I. C. C. 135.

616. Previous orders defining limits of United States standard Eastern and Central time zones modified so as to include the city of Columbus and other portions of the State of Ohio within, and so as to exclude certain portions of the State of West Virginia from, the first or Eastern time zone.

Cohen v. *A., T. & S. F. Ry. Co.*, 88 I. C. C. 143.

617. Rates on cereal beverages, in carloads, from East St. Louis, Ill., and St. Louis, Mo., to Dallas and Fort Worth, Tex., found unreasonable. Reasonable rates prescribed and reparation awarded.

618. Case held open for further hearing as indicated in report.

Dixie Portland Cement Co. v. *N., C. & St. L. Ry.*, 88 I. C. C. 147.

619. Rates on slack and run-of-mine coal, in carloads, from mines in the Bon Air, Tenn., group to Richard City, Tenn., found unreasonable. Reasonable rate prescribed and reparation awarded.

620. Rates on slack and run-of-mine coal, in carloads, from Orme, Whiteside, Etna, and Slope Wall, Tenn., and Montague, Ala., and from mines in the Tracy City, Tenn., group to Richard City, found not unreasonable.

Wichita Motors Co. v. *A. & V. Ry. Co.*, 88 I. C. C. 152.

621. Rates on self-propelling freight vehicles, in carloads, from Wichita Falls, Tex., and Oklahoma City, Okla., to Galveston, Tex., and New Orleans, La., for export, found not unreasonable but unduly prejudicial. Undue prejudice ordered removed. Reparation denied.

U. S. Graphite Co. v. *Director General*, 88 I. C. C. 157.

622. Rate on a carload of crude graphite shipped from Torres, Sonora, Mexico, to Saginaw, Mich., during Federal control, found to have been unreasonable.

623. Charges collected on 13 carloads of crude graphite shipped from Torres to Saginaw during Federal control found to have been unreasonable to the extent that they exceeded charges based on actual weights.

624. Reparation awarded.

Cleveland Provision Co. v. *A. G. S. R. R. Co.*, 88 I. C. C. 161.

625. Rates on fresh meats and packing-house products, in carloads, from Cleveland, Ohio, to destinations in southeastern and Carolina territories found unreasonable. Reasonable rates prescribed. Reparation denied.

Prairie Pipe Line Co. v. *Director General*, 88 I. C. C. 167.

626. Rates on iron pipe, in carloads, from points in Kansas to Oklahoma destinations, found unreasonable. Reasonable basis of rates prescribed for the future. Reparation awarded.

627. Fourth-section relief granted in part.

Gottlieb-Bertsch Co. v. *Director General*, 88 I. C. C. 177.

628. Intrastate rates on coal, in carloads, between points in Indiana during Federal control not found unreasonable. Complaint dismissed.

Phoenix Chamber of Commerce v. *A., T. & S. F. Ry. Co.*, 88 I. C. C. 178.

629. Rates to Phoenix, Ariz., on canned salmon, in carloads, from Seattle, Wash., Portland, Oreg., and Los Angeles, Calif., and on canned goods including canned milk from Seattle, and from points grouped with and taking the same rates as those points of origin, found unreasonable. Reasonable basis of rates prescribed.

630. Case held open for further hearing as indicated in report.

Mont. Board of Railroad Commissioners v. *C., M. & St. P. Ry. Co.*, 84 I. C. C. 183.

631. Rates on apples, in carloads, from Hamilton, Mont., to Hettinger, N. Dak., and Mobridge, S. Dak., found unreasonable for the future. Reasonable joint rate and through routes prescribed.

Armacost & Co. v. *M. & M. T. Co.*, 88 I. C. C. 185.

632. Rate charged on one carload of preserved magnolia leaves from Jacksonville, Fla., to Los Angeles, Calif., found unreasonable. Reparation awarded.

Jackson Traffic Bureau v. *St. L.-S. F. Ry. Co.*, 88 I. C. C. 188.

633. Rate on common window glass, in carloads, from Okmulgee, Okla., to Jackson, Miss., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Hollingshead Co. v. *A. & R. F. R. R. Co.*, 88 I. C. C. 191.

634. Rates on slack-barrel shooks, with metal hoops not to exceed 20 per cent of total weight of shipment, in carloads, found unduly prejudical to the extent that they exceed 110 per cent of the contemporaneous lumber rates.

Pulp Wood Co. v. *Director General*, 88 I. C. C. 196.

635. Rates on pulp wood, in carloads, shipped during Federal control from Neopit, Lily, and Crandon, Wis., to Kimberly, Wis., found unreasonable. Reparation awarded.

Litman & Ossep v. *Director General*, 88 I. C. C. 199.

636. Carload of fresh apples from Olds, Wash., to Elgin, Ill., found to have been overcharged. Reparation awarded.

Chicago Live Stock Exch. v. *Director General*, 88 I. C. C. 202.

637. The director general's failure to name the Soo Line as livestock-carrying road from South St. Paul, Minn., to Chicago, Ill., and nonpublication of joint rates over other lines on cattle, in carloads, from Calgary, Okotoks, and Cayley, Alberta, Canada, to Chicago, found an unreasonable practice. Reparation awarded.

Mifflin-Hood Brick Co. v. *Director General*, 88 I. C. C. 205.

638. Carload of brick shipped from Coaldale, Ala., to Sheffield, Ala., during Federal control, found to have been misrouted. Reparation awarded.

Darling & Co. v. *Director General*, 88 I. C. C. 208.

639. Rate on animal tankage, in carloads, from Chicago, Ill., to Knapp, La., found unreasonable. Reparation awarded.

International Paper Co. v. *Director General*, 88 I. C. C. 211.

640. Rate on wood pulp, in carloads, from Wilder, Vt., to Livermore Falls, Me. found not unreasonable. Complaint dismissed.

Wyo. Sugar Co. v. *Director General*, 88 I. C. C. 213.

641. Rate on refuse sirup or beet-sugar final molasses, in tank-car loads, from Worland, Wyo., to Scottsbluff, Nebr., during Federal control, found unreasonable. Reparation awarded.

Mid-Continent Equip. & Mach. Co. v. *M. Ry. Co.*, 88 I. C. C. 217.

642. Carload shipment of relaying rails and fastenings from St. Louis, Mo., to Manito, Ill., in November, 1922, found overcharged. Reparation awarded.

Jackson Paper Co. v. *B., S. L. & W. Ry. Co.*, 88 I. C. C. 219.

643. Rate on wrapping paper, in carloads, from Orange, Tex., to Jackson, Miss., found to have been unreasonable. Reparation awarded.

644. Fourth-section applications denied to the extent indicated.

Amer. Splint Corp. v. *C., P. Ry. Co.*, 88 I. C. C. 221.

645. Joint rates on match splints, in carloads, from Berthier, Quebec, Canada, to New York and Brooklyn, N. Y., and Garfield, N. J., found not unreasonable. Complaint dismissed.

Greene Cananea Copper Co. v. *C., R. I. & P. Ry. Co.*, 88 I. C. C. 225.

646. Rates on various commodities from points in the United States to Cananea, Sonora, Mexico, found to have been lawfully established and not unreasonable or otherwise unlawful in so far as the transportation took place within the United States. Complaint dismissed.

Marine Products v. *S. P. Co.*, 88 I. C. C. 227.

647. Class B rates on charred filtering bone (animal charcoal), spent, in carloads, found applicable on complainant's shipments. Complaint dismissed.

Interstate Milling Co. v. *B. & O. R. R. Co.*, 88 I. C. C. 229.

648. Rate on wheat, in carloads, from Baltimore, Md., to Charlotte, N. C., found not to have been unreasonable, and complainant found not to have been damaged by reason of any undue prejudice that may have existed. Complaint dismissed.

Amalgamated Sugar Co. v. *Director General*, 88 I. C. C. 233.

649. Rate on sugar beets, in carloads, from Downey, Idaho, to McMillan Spur, Twin Falls, Idaho, during Federal control, found not unreasonable. Rates from Bancroft, Idaho, found unreasonable. Reparation awarded.

O.-S. W. Ry. Co. v. *St. L.-S. F. Ry. Co.*, 88 I. C. C. 235.

650. Interstate joint rates between points on the lines of complainant and defendants found not unduly prejudicial, and divisions of such rates accorded complainant found not unlawful. Complaint dismissed.

Midland Linseed Products Co. v. *Director General*, 88 I. C. C. 247.

651. Defendants' failure to furnish lighterage from November, 1918, to July, 1919, from Undercliff (Edgewater), N. J., to points within the free lighterage limits of New York Harbor, for the transportation of oil and cake, milled in transit at Undercliff from flaxseed originating at western points, not shown to have resulted in the collection of unreasonable rates. Reparation denied and complaint dismissed.

Phoenix Chamber of Commerce v. *A. E. R. R. Co.*, 88 I. C. C. 250.

652. Rates on coarse grain, in carloads, from Groups F to J, inclusive, in transcontinental tariff to Phoenix, Ariz., found not unreasonable or unduly prejudicial. Complaint dismissed.

Iroquois Pulp & Paper Co. v. *G. & J. Ry. Co.*, 88 I. C. C. 255.

653. Rates on mechanical pulp (wood pulp), in carloads, from Niagara Falls, N. Y., to Thomson, N. Y., over an interstate route, found unreasonable. Reparation awarded.

Tuscaloosa Cotton Seed Oil Co. v. *A. G. S. Ry. Co.*, 88 I. C. C. 258.

654. Rates on peanuts, in carloads, originating at points in Alabama, Georgia, and Florida, cleaned or shelled at Tuscaloosa, Ala., and reshipped to northern points, and the failure of defendants to accord transit on this traffic at Tuscaloosa, found not unreasonable or otherwise unlawful. Complaint dismissed.

Seaboard By-Product Coke Co. v. *Director General*, 88 I. C. C. 261.

655. Rates on sulphuric acid, in carloads, from Grasselli and Brills, N. J., to Seaboard, N. J., during Federal control, found unreasonable. Reparation awarded.

Ariz. Egyptian Cotton Co. v. *Director General*, 88 I. C. C. 263.

656. Applicable rate on cottonseed meal and cake, in carloads, from Phoenix, Ariz., to Bitter Creek, Wyo., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Refund of overcharges directed. Complaint dismissed.

Amalgamated Sugar Co. v. *Director General*, 88 I. C. C. 266.

657. Rates applicable on limerock, in carloads, from Lime Spur, Mont., to Ogden and Lewiston, Utah, found unreasonable. Reparation awarded.

Lincoln Oil Refining Co. v. *C., C., C. & St. L. Ry. Co.*, 88 I. C. C. 269.

658. Domestic rate on shipments of petroleum and its products, in carloads, from Robinson, Ill., to New York, N. Y., for export, found not unreasonable. Complaint dismissed.

Ridenour–Baker Mercantile Co. v. *A., T. & S. F. Ry. Co.*, 88 I. C. C. 273.

659. Rates on pickles, in carloads, from Colorado producing points to Oklahoma destinations, found unreasonable and unduly prejudicial. Bases for reasonable and nonprejudicial rates prescribed and reparation awarded.

Amer. Woodpulp Corp. v. *Director General*, 88 I. C. C. 277.

660. Lighterage charges assessed on imported wood pulp lightered from and to various piers at Baltimore, Md., during the period August to December, 1919, found inapplicable. Reparation awarded.

Southern Cotton Oil Co. v. *Director General*, 88 I. C. C. 280.

661. Rates on coal, in carloads, from Helenwood, Tenn., and Silerville, Ky., to Tarboro and Wilson, N. C., and from Silerville to Fayetteville, N. C., found unreasonable. Reparation awarded.

Utah-Idaho Sugar Co. v. *Director General*, 88 I. C. C. 283.

662. Rate on refuse sirup or beet-sugar final molasses, in tank-car loads, from West Jordan, Utah, to Garland, Utah, during Federal control, found unreasonable. Reparation awarded.

Owens Bottle Co. v. *Director General*, 88 I. C. C. 285.

663. Rate charged on four carloads of sand shipped during February, 1920, from Millville, N. J., to Clarksburg, W. Va., found unreasonable. Reparation awarded.

Milwaukee Grain Elevator Co. v. *Director General*, 88 I. C. C. 287.

664. Rate charged on a carload of barley from points in South Dakota to Canyon, Wash., found to have been unreasonable. Reparation awarded.

Friend & Co. v. *C., B. & Q. R. R. Co.*, 88 I. C. C. 288.

665. Rates applicable on dried hides and sheep pelts, in carloads, from various points in Montana to Chicago, Ill., during 1922, found not unreasonable. Complaint dismissed.

Gerhard & Hey v. *Director General*, 88 I. C. C. 293.

666. Demurrage charges collected on two carloads of merchandise in packages shipped from St. Louis, Mo., to Buffalo, N. Y., and reconsigned to New York, N. Y., found applicable. Complaint dismissed.

Radiant Glass Co. v. *Director General*, 88 I. C. C. 295.

667. Rates on glass lamp chimneys and lantern globes, in carloads, from Fort Smith, Ark., to El Paso, Tex., found not unreasonable. Complaints dismissed.

Mich. Tanning & Extract Co. v. *Director General*, 88 I. C. C. 298.

668. Applicable rates on soft coal from Springfield, Andrew, and Cantrall, Ill., to Munising, Mich., during March and April, 1918, found not unreasonable. Complaint dismissed.

McGarry & Co. v. *W. Ry. Co.*, 88 I. C. C. 301.

669. Demurrage charges on eight tank-car loads of asphalt at Lakeville, Ind., found not unreasonable. Complaint dismissed.

Central Penn. Lumber Co. v. *T. V. Ry. Co.*, 88 I. C. C. 303.

670. Rate on lumber, in carloads, from West Sheffield, Pa., to Jamestown, N. Y., found not unreasonable. Complaint dismissed.

Crown Cork & Seal Co. v. *Director General*, 88 I. C. C. 305.

671. Carload shipments of various commodities to and from Highlandtown, Baltimore, Md., during Federal control, found overcharged. Reparation awarded.

Barber Asphalt Co. v. *L. & N. R. R. Co.*, 88 I. C. C. 307.

672. Failure of the line-haul carriers to absorb switching charges at East St. Louis and Madison, Ill., on crushed slate, in carloads, from Fairmount and Bolivar, Ga., and Tellico Plains, Tenn., found not to result in the payment by complainants of unreasonable, unjustly discriminatory, or unduly prejudicial transportation charges. Complaints dismissed.

C., M. & St. P. Ry. Co. v. *U. P. R. R. Co.*, 88 I. C. C. 312.

673. Refusal of defendants to enter into through routes and joint rates with complainant at Plummer, Idaho, or Marengo, Wash., on traffic originating on complainant's Chicago-Omaha line, branches south thereof, and certain connections therewith, and destined to Portland, Oreg., and points taking same rates, found unreasonable. Such routes and rates required to be established.

Scheidenhelm Co. v. *C., B. & Q. R. R. Co.*, 88 I. C. C. 319.

674. Rate on sand, in carloads, from Dubuque, Iowa, to Whitton, Ill., found to have been not unreasonable. Complaint dismissed.

Scheidenhelm Co. v. *C., M. & St. P. Ry. Co.*, 88 I. C. C. 321.

675. Rates on sand and gravel, in carloads, from Janesville, Wis., to Whitton, Ill., found unreasonable. Reparation awarded.

National Car Coupler Co. v. *B. & O. R. R. Co.*, 88 I. C. C. 325.

676. Rates on rough steel castings, in carloads, from Attica, Ind., to points in Illinois, Missouri, and Ohio found not unjustly discriminatory or unduly prejudicial. Complaint dismissed.

Midland Linseed Products Co. v. *N. Y., S. & W. R. R. Co.*, 88 I. C. C. 329.

677. Rates on linseed oil, in carloads, from Edgewater (Undercliff), N. J., to various points in official territory, found unreasonable. Reparation awarded.

Omaha Utilities District v. *Director General*, 88 I. C. C. 331.

678. Rates on coal, sand, stone, lime, bauxite ore, and sulphuric acid, in carloads, shipped in 1917, 1918, and 1919, from points in Nebraska and numerous other States to Florence (Omaha), Nebr., found not unreasonable, but certain shipments found to have been overcharged.

679. Rate charged on carload of trench-excavating machinery from Milwaukee Wis., to Florence found unreasonable. Reparation awarded.

Grasselli Chemical Co. v. *B. & O. R. R. Co.*, 88 I. C. C. 337.

Rates on roasted ore, in carloads, from Canton, Ohio, to Grasselli, N. J., between July 9, 1921, and August 17, 1921, found not unreasonable. Complaint dismissed.

Cantaloupes and melons from California, 88 I. C. C. 340.

681. Proposed cancellation of commodity rates on cantaloupes and melons, in carloads, from Calexico, Brawley, and other points in the Imperial Valley, Calif., to certain Arizona and New Mexico points and to El Paso, Tex., found not justified. Suspended schedules ordered canceled.

Standard time zone investigations, 88 I. C. C. 343.

682. Order entered in connection with tenth supplemental report, 88 I. C. C., 135, modified so as to except certain portions of the New York Central Railroad, Ohio Central lines, from the United States standard Central time zone and include them within the United States standard Eastern time zone for operating purposes.

Paper and paper articles from Wis., 88 I. C. C. 345.

683. Application for authority to establish rates on paper and paper articles from points in Wisconsin, Minnesota, Michigan, and Canada to New Orleans, La., without observing the long-and-short-haul provision of section 4 of the act, granted.

Amer. Maize-Products Co. v. *Director General*, 88 I. C. C. 354.

684. Rate on corn sirup, in carloads, shipped during Federal control from Roby, Ind., to New Orleans, La., for export to Mexico, found not to have been unreasonable. Complaint dismissed.

National Lumber Co. v. *N. & W. Ry. Co.*, 88 I. C. C. 357.

685. Transportation, demurrage, and storage charges on a carload of lumber shipped from Fox, Ala., to Hagerstown, Md., and reconsigned to Norfolk, Va., found not unreasonable, illegal, or otherwise in violation of the act. Complaint dismissed.

Furnishing Ice and salt, 88 I. C. C. 361.

686. Proposed change in rule governing the furnishing under certain conditions of ice and salt in body of refrigerator cars equipped with bunkers found not justified. Suspended schedule ordered canceled without prejudice.

687. Order of suspension vacated as to proposed rule governing charges for furnishing salt.

Grain and grain products from Minn. and Wis., 88 I. C. C. 365.

688. Proposed cancellation of proportional rates on grain and grain products from La Crosse, Wis., Winona, Minn., and other points to Chicago, Ill., and other points found not justified. Suspended schedules ordered canceled without prejudice to the filing of new schedules containing rates on the basis indicated in the report.

689. Proposed revision of rates by Chicago Great Western Railroad found justified, and order of suspension vacated.

International Harvester Co. v. *N. Y. C. R. R. Co.*, 88 I. C. C. 368.

690. Rates collected on interstate shipments to and from complainant's plant on the Owasco River Railway at Auburn, N. Y., found unreasonable to the extent that they exceeded the contemporaneous rates to and from Auburn. Reparation awarded.

Jackson Traffic Bureau v. *C., R. I. & P. Ry. Co.*, 88 I. C. C. 373.

691. Rates applicable on a carload of oil-well machinery from Upland, Ark., and a carload of wrought-iron pipe from Smith, Ark., to Crystal Springs, Miss., found unreasonable. Reparation awarded.

Classification exceptions on empty egg cases, 88 I. C. C. 376.

692. Proposed cancellation of exception to western classification providing fourth-class rating on empty egg cases between points in western trunk-line territory found justified. Order of suspension vacated and proceeding discontinued.

Lincoln Gas Coal Co. v. *B. & O. R. R. Co.*, 88 I. C. C. 379.

693. Rates of the Baltimore & Ohio and its connections on bituminous coal, in carloads, from mines near Washington and Vienna, Pa., to eastern destinations found not unreasonable or unjustly discriminatory but unduly prejudicial. Undue prejudice ordered removed.

694. Fourth-section relief denied.

Barker Produce Co. v. *S. P. Co.*, 88 I. C. C. 385.

695. Rates on fresh fruits and vegetables, in straight and mixed carloads, from San Francisco and Los Angeles, Calif., and points grouped therewith, to Tucson, Phoenix, Mesa, and Prescott, Ariz., and on apples, in carloads, from Watsonville, Calif., to Prescott, and from Hood River, Oreg., and Yakima, Wash., to Mesa, found unreasonable. Reparation awarded on shipments made from California.

696. Reasonable rates prescribed on apples, in carloads, from Hood River and Yakima to Mesa.

Evansville Chamber of Commerce v. *I. C. R. R. Co.*, 88 I. C. C. 389.

697. Rates on bituminous coal, in carloads, to Evansville, Ind., from points in the so-called inner group of the Illinois Central and Louisville & Nashville in western Kentucky, found not unreasonable. Complaint dismissed.

Thompson-Wells Lumber Co. v. *Director General*, 88 I. C. C. 395.

698. Rates on saw logs, in carloads, from White Pine Junction and Bowl's Spur, Mich., to Menominee, Mich., over an interstate route, found not unreasonable. Complainant not shown to have been damaged by reason of the fourth-section violation and the alleged undue prejudice. Complaint dismissed.

Jeremy Fuel & Grain Co. v. *Director General*, 88 I. C. C. 397.

699. Rates charged on bituminous coal, in carloads, from Castle Gate district and Sunnyside, Utah, to Salt Lake City and Midvale, Utah, during Federal control, found applicable and not unreasonable or otherwise unlawful. Complaints dismissed.

Miller & Lux v. *Director General*, 88 I. C. C. 403.

700. Following *Western Meat Co.* v. *Director General*, 83 I. C. C. 218, the cancellation of and absence from defendants' tariffs between January 1 and September 18, 1920, of a rule providing for the refund of passenger fares of caretakers sent by complainants to accompany shipments of livestock from points of origin in California, Nevada, and Utah to San Francisco, Calif., found to have been unreasonable and to have resulted in the assessment of charges for the transportation of such caretakers which were unreasonable. Reparation awarded.

Gilbert Co. v. *L. & N. R. R. Co.*, 88 I. C. C. 405.

701. Rates on canned tomatoes, in carloads, from Livermore, Ky., to Evansville, Ind., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Japan Cotton Trading Co. v. *Director General*, 88 I. C. C. 407.

702. Charges collected on cotton from Keota, Stigler, Porum, Leflore, and Cameron, Okla., and Hackett, Ark., to Tacoma, Wash., for export, found applicable with certain exceptions, and not unreasonable. Certain shipments found overcharged. Reparation awarded.

Scrap Iron from East St. Louis, 88 I. C. C. 410.

703. Proposed increased rates on scrap iron, in carloads, from Texas common points to Terre Haute, Ind., found not justified. Suspended schedules ordered canceled.

Detroit Board of Trade v. *W. Ry. Co.*, 88 I. C. C. 413.

704. Failure of Wabash Railway Company to absorb switching charges on grain and grain products from local stations on its line in Ohio, Indiana, and Illinois to elevators at Detroit, Mich., found to be unjustly discriminatory and unduly prejudicial. Reparation denied.

Texas Farm & Ranch Publishing Co. v. *A. & W. Ry. Co.*, 88 I. C. C. 417.

705. Rates on printing paper, in carloads, from Kalamazoo, Niles, and Quinnesec, Mich., Sartells, Minn., and Appleton and Kimberly, Wis., to Dallas, Tex., found unreasonable. Reparation awarded.

706. Fourth-section relief denied.

Oil cake and oil-cake meal, 88 I. C. C. 421.

707. Proposed establishment of joint water-and-rail rates on oil cake and oil-cake meal, in carloads, from Wilmington, Calif., to stations in Idaho, Oregon, and Washington, found justified. Order of suspension vacated and proceeding discontinued.

Empire Lumber Co. v. *Director General*, 88 I. C. C. 424.

708. Demurrage charges collected on a carload of lumber held at Chicago, Ill., on account of an embargo, found to have been illegal. Reparation awarded.

Amer. Linseed Co. v. *N. Y. C. R. R. Co.*, 88 I. C. C. 427.

709. Rates on linseed oil, in carloads, from Port Richmond, N. Y., and Edgewater, N. J., to certain points in official territory found unreasonable. Reparation awarded.

Cummings Grain Co. v. *Director General*, 88 I. C. C. 429.

710. Certain shipments of shelled corn, in carloads, from points in Iowa, Nebraska, and South Dakota to Colorado points found to have been misrouted. Reparation awarded.

Interstate Sugar Co. v. *D. & R. G. R. R. Co.*, 88 I. C. C. 432.

711. Rate on sugar beets, in carloads, from Whitney, Franklin, and Bullen, Idaho, to Hooper, Utah, found unreasonable. Reparation awarded.

Diamond Match Co. v. *Director General*, 88 I. C. C. 435.

712. Rates on amorphous phosphorus, in carloads and less than carloads. from Echota, N. Y., and Perth Amboy, N. J., in 1917 and 1920, and present ratings of third class in carloads, and first class in less than carloads, found not unreasonable. Complaint dismissed.

Doniphan Brick Works v. *Director General*, 88 I. C. C. 438.

713. Rate on 10 carloads of slack coal shipped from Rock Springs, Wyo., to Doniphan, Nebr., during Federal control, found unreasonable. Reparation awarded.

Gillican-Chipley Co. v. *Director General*, 88 I. C. C. 441.

714. Reparation on account of unreasonable rates collected on 8 carloads of rosin from Newton, Jasper, Wenasco, and Browndell, Tex., to Port Arthur, Tex., for export, denied for reasons stated in the report. Complaint dismissed.

Moline Ice Co. v. *Director General*, 88 I. C. C. 444.

715. Rates on ice, in carloads, from Ashland, Wis., to East Moline, Ill., found unreasonable. Reparation awarded.

Trojan Powder Co. v. *Director General*, 88 I. C. C. 447.

716. Double first-class rate on wet nitrostarch, in carloads, from San Francisco, Calif., to Robert, Calif., as part of a through interstate movement from Baltimore, Md., in February and March, 1920, found unreasonable. Reparation awarded.

Boher & Hosfeld v. *B. & M. R. R.*, 88 I. C. C. 449.

717. Rates on veneer and built-up wood from various points in official classification territory to Montgomery, Pa.; on built-up wood from New Albany, Ind., and Louisville, Ky., to Shippensburg, Pa.; on veneer from Mound City, Ill., to Shrewsbury, Pa., and from Whitehouse, N. Y., to Struthers, Pa.; and on built-up wood from Struthers to various points in trunk-line territory found not unreasonable. Complainants not shown to have been damaged by any undue prejudice which may have existed. Complaint dismissed.

Colo. Fuel & Iron Co. v. *Director General*, 88 I. C. C. 453.

718. Rate charged on standard-gauge electric locomotive and parts from Erie, Pa., to Minnequa, Colo., found not unreasonable. Complaint dismissed.

Murray & Nickell Mfg. Co. v. *Director General*, 88 I. C. C. 455.

719. Rates on bitterwood logs, in carloads, from New York, N. Y., Long Dock, N. J., and Port Richmond, Pa., imported from Jamaica, to South Elgin, Ill., found not unreasonable. Complaint dismissed.

Peerless Lumber Co. v. *Director General*, 88 I. C. C. 457.

720. Failure of defendant to furnish cars for the transportation of ties from Crawford, Ohio, to Toledo, Ohio, during Federal control, within a reasonable time after shipper had ordered them, found to have resulted in damage to complainant. Reparation awarded.

Barrett Co. v. *Director General*, 88 I. C. C. 459.

721. Rates on coal tar, in carloads, from Harriet and Solvay, N. Y., to Everett (East Boston), Mass., and from Solvay, N. Y., to Syracuse, N. Y., during Federal control, found unreasonable. Reparation awarded.

722. Rates on coal tar and oil, in carloads, from State Street, Rochester, N. Y., to Brighton, Rochester, N. Y., during Federal control, found not unreasonable. Complaint dismissed.

Parkersburg Rig & Reel Co. v. *T. & P. Ry. Co.*, 88 I. C. C. 463.

723. Rates charged on fabricated-steel tank material, in carloads, from De Leon, Leeray and Ranger, Tex., to Haynesville, La., found unreasonable. Reparation awarded and reasonable rates prescribed for the future.

Mich. Silo Co. v. *C. & N. W. Ry. Co.*, 88 I. C. C. 467.

724. Defendants' failure and refusal to permit stoppage for partial unloading on carload shipments of cement silo staves from Peoria, Ill., to Wisconsin destinations, found to result in undue prejudice. Undue prejudice ordered removed.

Steuart, Son & Co. v. *Director General*, 88 I. C. C. 469.

725. Rate on edible sirup, in carloads, from Long Island City, N. Y., to Baltimore, Md., found unreasonable. Reparation awarded.

Shafer Lumber Co. v. *Director General*, 88 I. C. C. 472.

726. Rate on lumber, in carloads, from Moline, Ill., to North Philadelphia, Pa., found not unreasonable. Complaint dismissed.

Bender, Streibig & Co. v. *I. C. R. R. Co.*, 88 I. C. C. 474.

727. Rates on vegetables, in carloads, from Crystal Springs, Miss., to Cincinnati, Ohio, found not unreasonable. Complaint dismissed.

Frye & Co. v. *G. N. Ry. Co.*, 88 I. C. C. 477.

728. Imposition of charges provided in rule 240 (A), of perishable protective tariff No. 1, J. E. Fairbanks, agent, I. C. C. No. 6, in addition to applicable freight rates, on fresh meats and packing-house products initially iced by consignor and delivered to carrier with instructions not to reice in transit, from points in the States of Washington, Oregon, California, and Nevada to interstate destinations, found to be applicable to complainants' shipments, but to result in unreasonable total charges. Unpaid charges on certain shipments authorized canceled, reparation awarded on others, and revision of tariffs required.

Locke & Co. v. *Director General*, 88 I. C. C. 487.

729. Rates charged on cotton shipped during Federal control from Hodgens and Heavener, Okla., to Sallisaw, Okla., there compressed and reshipped to San Francisco, Calif., New Orleans, La., and Houston and Texas City, Tex., found not unreasonable. Complaint dismissed.

Davis v. *W. U. T. Co.*, 88 I. C. C. 489.

730. Allegation of unjust discrimination and undue prejudice based on failure of defendant to establish an independent telegraph office at St. Clairsville, Ohio, and an assessment of a charge of 10 cents per message for telephone service to or from Wheeling, W. Va., not sustained. Complaint dismissed.

Mo. Portland Cement Co. v. *Director General*, 88 I. C. C. 492.

731. Finding in our original report, 64 I. C. C. 243, affirmed, complainant being awarded reparation on all shipments as to which it paid the charges. Reparation order vacated because based on an improperly prepared Rule V statement.

List & Gifford Cons. Co. v. *M. & O. R. R. Co.*, 88 I. C. C. 499.

732. Rate on wooden rollers, in carloads, from Columbus, Miss., to Kleburg, Tex., found unreasonable. Reparation awarded.

Hickman, Williams & Co. v. *Director General*, 88 I. C. C. 501.

733. Rate on roll scale, in carloads, from Moline, Ill., to Hamilton, Ohio, found not unreasonable. Complaint dismissed.

French Lick Springs Hotel Co. v. *A. G. S. Ry. Co.*, 88 I. C. C. 503.

734. Rates charged on Pluto water from French Lick, Ind., and other points to destinations in the United States found unreasonable. Reparation awarded.

Routing on grain and grain products, 88 I. C.C. 505.

735. Cancellation of the application of joint rates on grain and grain products from certain Oklahoma stations to Mobile, Ala., over a route through Meridian, Miss., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Early-Foster Co. v. *A., T. & S. F. Ry. Co.*, 88 I. C. C. 507.

736. Rate charged on sugar, in carloads, from Nogales, Ariz., to El Paso, Tex., moved on through bills of lading from San Blas, Mexico, and originally destined to points in Mexico but delivery accepted at El Paso, found unreasonable. *Early-Foster Co.* v. *S. P. Co.*, 63 I. C. C., 209, distinguished. Reparation awarded.

737. Carload shipments of sugar from El Paso to destinations in the United States found to have been misrouted. Reparation awarded.

738. Fourth-section relief denied.

Commodity rates to Gray's Harbor and other points, 88 I. C. C. 512.

739. Departure from the long-and-short-haul provision of the fourth section of the interstate commerce act and establishment of less-than carload commodity rate of 30 cents per 100 pounds on various commodities from Portand, Oreg., and from Seattle and Tacoma, Wash., to Aberdeen, Hoquiam, Cosmopolis, South Aberdeen, South Bend, and Raymond, Wash., authorized.

General Fire Extinguisher Co. v. *Director General*, 88 I. C. C. 521.

740. Rate on iron pipe fittings from Auburn to South Providence, R. I., for export, during Federal control, found not unreasonable. Complaint dismissed.

Consolidated Coal Co. v. *M. P. R. R. Co.*, 88 I. C. C. 523.

741. Carload shipments of soft coal from Murphysboro, Ill., to Mitchell, S. Dak., found not misrouted. Applicable rates found unreasonable. Reparation awarded.

C., L. S. & S. B. Ry. Co. v. *L. E. & W. R. R. Co.*, 88 I. C. C. 525.

742. Defendants' refusal to switch interstate carload traffic in connection with complainant at Michigan City, Ind., and their failure and refusal to enter into arrangements for the performance of reciprocal switching in connection with complainant while contemporaneously switching interstate carload traffic and entering into reciprocal switching arrangements with each other at that point found unjustly discriminatory and unduly prejudicial to complainant and its shippers. Unjust discrimination and undue prejudice ordered removed.

Barrett Co. v. *Director General*, 88 I. C. C. 535.

743. Rates on rags, waste paper, cottonseed-hull shavings, cotton linters, and roofing paper, in carloads, between Latrobe and Kingston, Pa., as components of through rates between Kingston and various interstate points found unreasonable. Reasonable rates prescribed, and reparation awarded.

Brick and Clay Products, 88 I. C. C. 543.

744. Proposed revision of interstate rates on brick and clay products from, to, and between points in southern territory found not justified. Respondents required to cancel suspended schedules and to file new schedules establishing rates in accordance with bases approved. Proceeding discontinued.

745. Fourth-section relief granted.

Armour & Co. v. *Director General*, 88 I. C. C. 569.

746. Rates on grape juice, in glass, in carloads, from Ohio River crossings to points in the Southeast on traffic originating at Lawton and Mattawan, Mich., and from Lawton to points in southwestern territory in Arkansas, Oklahoma, Texas, and Louisiana found unreasonable. Maximum reasonable bases of rates for the future prescribed. Reparation awarded on shipments from Lawton and Mattawan to the Southeast to extent indicated in report.

747. Rates on grape juice, in glass, in carloads, from Westfield, N. Y., and North East, Pa., to the Southeast found not unreasonable. Complaint in No. 12600 dismissed.

Great Western Paper Co. v. *M., St. P. & S. S. M. Ry. Co.*, 88 I. C. C. 582.

748. Rates on bituminous coal, in carloads, from Duluth and West Duluth, Minn., to Ladysmith, Wis., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Sunderland Bros. Co. v. *Director General*, 88 I. C. C. 585.

749. Rate applicable on common building brick, in carloads, from Vale, Mo., to Shelby and Minden, Iowa, in July and August, 1919, found not unreasonable. Rate charged to Shelby found inapplicable. Reparation awarded.

Lakewood Eng. Co. v. *B. & O. R. R. Co.*, 88 I. C. C. 588.

750. Rate on portable railway track from Cleveland, Ohio, to Ring, Calif., found unreasonable. Reparation awarded, and waiver of undercharges authorized.

Universal Paper Bag Co. v. *M. C. R. R. Co.*, 88 I. C. C. 593.

751. Rate on wrapping paper, in carloads, from Madison, Me., to New Hope, Pa., found not unreasonable or unduly prejudicial. Complaint dismissed.

Piowaty & Sons v. *Director General*, 88 I. C. C. 597.

752. Rate on peaches, in carloads, from points in Utah and Colorado to Bay City, Lansing, and Saginaw, Mich., found not unreasonable or otherwise unlawful. Complaint dismissed.

Cutler-Hammer Mfg. Co. v. *Director General*, 88 I. C. C. 600.

753. Rates charged for the transportation from Sherbrooke, Quebec, to Milwaukee, Wis., during Federal control, of shipments of asbestos refuse, in carloads, which originated at Thetford Mines, Quebec, found applicable.

754. Rate applicable on one carload of the same commodity for the same movement subsequent to Federal control found unreasonable. Reparation denied for lack of proof.

755. The tariffs having been amended so as to satisfy complaint's prayer for the future, complaint dismissed.

Cement from Eastern Trunk Line Points, 88 I. C. C. 605.

756. Proposed changes in the rates on cement, in carloads, from the Hudson and Lehigh district to points on the Maine Central, Bangor & Aroostook, and Grand Trunk in New England found not justified. Suspended schedules ordered cancelled.

Swift & Co. v. *T. & P. Ry. Co.*, 88 I. C. C. 610.

757. Rates on fresh meats and packing-house products, in straight and mixed carloads, from North Fort Worth, Tex., to Shreveport, La., found to have been unreasonable and unduly prejudicial. Reparation awarded.

Babbitt Bros. Trading Co. v. *A., T. & S. F. Ry. Co.*, 88 I. C. C. 614.

758. Rates on fresh fruit from Los Angeles, Calif., and points taking the same rates, and from Redlands and Watsonville, Calif., to Flagstaff, Ariz., found unreasonable. Reasonable rates prescribed and reparation awarded.

759. Rates on apples from Yakima, Wash., to Flagstaff, Ariz., found to have been unreasonable. Reparation awarded.

Peycke Bros. Comm. Co. v. *Director General*,, 88 I. C. C. 617.

760. Rates on potatoes, in carloads, from Golva, Beach, and Sentinel Butte, N. Dak., to Kansas City, Mo., found unreasonable. Reparation awarded.

Lynchburg Traffic Bureau v. *P. R. R. Co.*, 88 I. C. C. 619.

761. Rate on sugar, in carloads, from Lynchburg, Va., to New York, N. Y., found not unreasonable. Complaint dismissed.

Alabama Passenger Fares and Charges, 88 I. C. C. 621.

762. Certain fares and charges required by State authority to be instituted by the petitioners within the State of Alabama would result in lower fares and charges than the corresponding interstate fares and charges authorized in *Increased Rates, 1920*, 58 I. C. C., 220, and in unjust discrimination against interstate commerce.

Coal from Buffalo and other Points, 88 I. C. C. 631.

763. Proposed increased rates on anthracite coal, in carloads, from Buffalo, Black Rock, and Suspension Bridge, N. Y., to points in Minnesota, found not justified. Suspended schedules ordered canceled without prejudice to filing of new schedules in accord with conclusion herein.

Sloss-Sheffield Steel & Iron Co. v. *L. & N. R. R. Co.*, 88 I. C. C. 640.

764. Upon further hearing reparation awarded to certain complaints on shipments of pig iron, in carloads, from Rockwood and Chattanooga, Tenn., to Ohio River crossings and points in central territory. Preceding supplemental report, 62 I. C. C. 646.

General Electric Co. v. *Director General*, 88 I. C. C. 643.

765. Upon further hearing reparation awarded on account of overcharges on shipments of steam turbines, in carloads, from Schenectady, N. Y., to Seattle, Wash., described in the original report, 68 I. C. C. 195.

Section 28 of the Merchant Marine Act, 88 I. C. C. 645.

766. Upon consideration of the record, and of the powers exercisable by the commission under the interstate commerce act and merchant marine act, 1920, the effective date of the third supplemental order of the commission, entered March 11, 1924, which terminated the suspension of section 28 of the merchant marine act, 1920, as to the transportation of certain commodities between ports of the United States and various foreign ports, extended from May 20, 1924, to June 20, 1924.

Iten Biscuit Co. v. *A., T. & S. F. Ry. Co.*, 88 I. C. C. 653.

767. Charges on empty tin cans and pails and sheet-iron drums, in carloads, from Kansas City and St. Louis, Mo., Omaha, Nebr., Peoria and Chicago, Ill., Minneapolis and St. Paul, Minn., and points taking the same rates, to Oklahoma City, Okla., found to have been and to be unreasonable and unduly prejudicial. Reasonable and nonprejudicial basis prescribed, and reparation awarded.

Hollingshead Co. v. *D. S. W. Ry.*, 88 I. C. C. 659.

768. Rates on cooperage stock from Rives, Mo., and Lake City, Ark., to central and trunk-line territories, via Thebes, Ill., found not unreasonable.

769. Rates on cooperage stock from Augusta and Ogden, Ark., to central and trunk-line territories, via Thebes, Ill., found unreasonable. Reasonable rates prescribed.

Rules for Storing and Sacking of Cement in Transit, 88 I. C. C. 662.

770. Upon further hearing, original finding in 78 I. C. C., 693, that proposed transit arrangement on cement at Davenport, Iowa, is not justified, affirmed.

Kirschbraun & Sons v. *Amer. Ry. Express Co.*, 88 I. C. C. 670.

771. Rates on cream, in 10-gallon cans, shipped by express from certain stations in South Dakota, Iowa, and Missouri to Omaha, Nebr., found unreasonable. Reparation awarded.

National Poultry, Butter & Egg Asso. v. *A. A. R. R. Co.*, 88 I. C. C. 673.

772. Rates on egg albumen and yolks, frozen, in straight or mixed carloads, between January 1 and June 30, 1922, inclusive, found not unreasonable or unjustly discriminatory. Complaint dismissed.

Alexander Milling Co. v. *Director General*, 88 I. C. C. 677.

773. Rates charged on fuel oil, in tank-car loads, moving between points in Kansas during Federal control found applicable and not unreasonable. Complaint dismissed.

State of Ariz., ex rel. Ariz. Corp. Comm. v. *A. E. R. R. Co.*, 88 I. C. C. 679.

774. Rate on trailer trucks, in carloads, from Fort Bliss, Tex., to Phoenix, Ariz., found not unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Valley Camp Coal Co. v. *B. & O. R. R. Co.*, 88 I. C. C. 682.

775. Rates charged in November, 1921, on bituminous coal from points in West Virginia and Ohio to Lorain, Ohio, for transshipment by lake found not unreasonable or otherwise unlawful. No damage shown to have resulted from any violation of the long-and-short-haul provision which may have existed. Complaint dismissed.

Express rates on milk and cream, 88 I. C. C. 687.

776. Proposed increased express rates on interstate shipments of milk and cream, in carloads and less than carloads, from Harrisonburg, Va., to Norfolk, Va., and from Woodstock, Va., to Richmond, Va., found not justified. Suspended schedules ordered canceled.

Republic Iron & Steel Co. v. *Director General*, 88 I. C. C. 691.

777. Rate on iron ore, in carloads, during Federal control, from mines near Reno, Ala., to Thomas, Ala., found not unreasonable. Complaint dismissed.

Trackage charges at St. Louis, 88 I. C. C. 693.

778. Proposed service or switching charge on shipments to and from Louisville & Nashville Railroad track No. 4 at St. Louis, Mo., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Express rates on milk and cream, 88 I. C. C. 696.

779. Proposed schedules restricting rates on milk and cream, in cans, from applying on shipments moving in interline service over the Chicago & North Western Railway found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Grate bars to Memphis, 88 I. C. C. 701.

780. Proposed increase in the less-than-carload rate on grate bars from East Birmingham, Ala., to Memphis, Tenn., when destined to points in Arkansas found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Sisal from Gulf Ports, 88 I. C. C. 704.

781. Proposed cancellation of joint rates over the Chicago, Indianapolis & Louisville Railway on sisal from Gulf ports to Chicago, Ill., and other points, stored in transit at Indianapolis, Ind., found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Keystone Roofing Mfg. Co. v. *Director General*, 88 I. C. C. 707.

782. Rate charged on asphalt, in carloads, from Franklin, Pa., to York, Pa., during Federal control, found unreasonable. Reparation awarded.

Ind. Public Service Comm. v. *A., T. & S. F. Ry. Co.*, 88 I. C. C. 709.

783. Class rates from points in Indiana to St. Paul and Minneapolis, Minn., which are higher than the corresponding rates from points in Illinois and points on the west bank of the Mississippi River in Iowa and Missouri, found unreasonable and unduly prejudicial. Certain commodity rates found unduly prejudicial. Reasonable and nonprejudicial basis of rates prescribed for the future. Findings in former report, 66 I. C. C., 512, modified.

Goodwin Preserving Co. v. *L. B. & T. Ry. Co.*, 88 I. C. C. 725.

784. Rates on preserved fruits, jellies, and fruit butter, in carloads, from Louisville, Ky., to St. Paul and Duluth, Minn., found unreasonable and unduly prejudicial in relation to rates from St. Louis, Mo.

Ind. Public Service Comm. v. *A., T. & S. F. Ry. Co.*, 88 I. C. C. 728.

785. Class and commodity rates from points in Indiana to Kansas City, Mo., Omaha, Nebr., Sioux City, Iowa, and Sioux Falls, S. Dak., and points taking the same rates and to points intermediate thereto, found unreasonable and unduly prejudicial. Reasonable and nonprejudicial basis of rates prescribed.

Van Dyke Smelting & Refining Works v. *P. R. R. Co.*, 88 I. C. C. 743.

786. Rates charged on brass articles, in carloads, from South Amboy, N. J., to Brooklyn, N. Y., and Waterbury, Conn., found applicable and not unreasonable. Complaints dismissed.

Headington & Hedenbergh v. *Director General*, 88 I. C. C. 745.

787. Commodity rate charged on strawberries, in carloads, from Aroma, Mo., to Sioux City, Iowa, found applicable and not unreasonable. Complaint dismissed.

Co-Operative Oil & Paint Co. v. *Director General*, 88 I. C. C. 747.

788. Rates on roofing and paving material, in carloads, from St. Louis and Kansas City, Mo., Cleveland and Lockland, Ohio, and Chicago, Aurora, Madison, Marseilles, and East St. Louis, Ill., to Little Rock, Texarkana, and Hope, Ark., and Shreveport, La., found not unreasonable or otherwise unlawful. Reparation denied.

Gallaudet Aircraft Corp. v. *N. Y., N. H. & H. R. R. Co.*, 88 I. C. C. 750.

789. Complaint seeking damages for the cost of crating interstate shipments of cloth-winding boards dismissed.

Santa Rosa Merc. Co. v. *Director General*, 88 I. C. C. 753.

790. Claim for reparation barred because formal complaint not filed within six months from the date of mailing of advice to the complainant of the failure of informal adjustment or within two years from the date of accrual of the cause of action.

Ind. Board & Filler Co. v. *W. Ry. Co.*, 88 I. C. C. 754.

791. Rates on baled straw, in carloads, from Ivesdale, Bement, Hammond, and Cushman, Ill., to Marion, Ind., found unreasonable to the extent that they exceeded the aggregate of intermediate rates contemporaneously in effect from and to the same points. Reparation awarded.

Palmolive Co. v. *C., M. & St. P. Ry. Co.*, 88 I. C. C. 756.

792. Rate on tallow, in carloads, from Chicago, Ill., to Milwaukee, Wis., found not unreasonable. Complaint dismissed.

Lackawanna Steel Co. v. *P. R. R. Co.*, 88 I. C. C. 759.

793. Rates applicable to the transportation of coal and coke from Reynoldsville, Pittsburgh, and Connellsville, Pa., districts to iron and steel manufacturers at Buffalo, N. Y., found not unreasonable.

794. Rates applicable to the transportation of iron ore from lower Lake Erie ports to competing interior iron and steel manufacturers found not unreasonably low or unremunerative.

795. Relationship between said ore and coal rates found not to result in undue preference or prejudice.

796. Complaint dismissed.

Fourth section information, 88 I. C. C. 765.

797. General rules prescribed in applications for relief from the fourth section.

National Hay & Milling Co. v. *C., B. & Q. R. R. Co.*, 89 I. C. C. 1.

798. Rate on hay, in carloads, from Keenesburg and Hudson, Colo., to St. Louis, Mo., found not unreasonable. Complainant not shown to have been damaged by reason of any undue prejudice which may have existed. Complaint dismissed.

Lindeteves-Stokvis v. *Director General*, 89 I. C. C. 3.

799. Domestic rates on 37 cars of steel bars, wrought-iron pipe, road rollers, autotruck chassis, galvanized-iron sheets, railroad spikes, and iron nails from points in Ohio, Pennsylvania, and Wisconsin to San Francisco, Calif., during 1918 for export found to have been illegally assessed. Overcharges ordered refunded.

Standard Oil Co. v. *Director General*, 89 I. C. C. 7.

800. Rates on tank-car loads of gasoline, in effect during Federal control, from Central, Bristol, Wilsonburg, Clarksburg, Jacksonburg, Jane Lew, and Skinner's Creek Siding, W. Va., to Bayonne, N. J., found unreasonable to the extent that they exceeded rates from farther distant points. Reparation awarded.

Limestone from Illinois points, 89 I. C. C. 11.

801. Proposed increased rates on limestone in carloads, from Krause and Columbia Quarry No. 2, Ill., via Vulcan, Ill., and the Missouri Pacific Railroad, to St. Louis, Mo., found not justified. Suspended schedules ordered canceled.

Iron and steel articles, 89 I. C. C. 17.

802. Proposed increased rates on manufactured iron and steel articles, in carloads, from St. Louis, Mo., and Chicago, Ill., groups, and from Fort Wayne, Ind., to various destinations in Indiana and Illinois, and on cast-iron pipe and fittings, in carloads, from the Chicago group to destinations in Indiana, found not justified. Suspended schedules ordered canceled.

Kansas City Chamber of Commerce v. *A. & W. Ry. Co.*, 89 I. C. C. 22.

803. Rates on horses, mules, asses, and burros, in carloads, from Kansas City, Mo., to points in Texas and Louisiana, found unjust, unreasonable, and unduly prejudicial. Reasonable rates prescribed for the future.

Standard Oil Co. v. *A., T. & S. F. Ry. Co.*, 89 I. C. C. 27.

804. Charges collected on fuller's earth, in carloads, from points in Georgia and Florida to Richmond, Calif., since March 1, 1920, found not unreasonable or otherwise unlawful on shipments in box cars, but found unreasonable on shipments in tank cars. Reparation awarded.

Flanley Grain Co. v. *Director General*, 89 I. C. C. 33.

805. Reconsignment charges on grain, in carloads, held in cars on track for official inspection and disposition orders incident thereto at billed destination, found inapplicable. Reparation awarded.

Hendee Mfg. Co. v. *Director General*, 89 I. C. C. 38.

806. Storage charges collected at Salisbury, N. C., during Federal control, on motor cycles, in less than carloads, from Springfield, Mass., found unreasonable. Reparation awarded.

Amer. Stores Co. v. *P. R. R. Co.*, 89 I. C. C. 41.

807. Rate on lemons, in carloads, from New York, N. Y., to Philadelphia, Pa., found not unreasonable. Complaint dismissed.

Hull Co. v. *Director General*, 89 I. C. C. 44.

808. Rule of the reconsignment tariff of the Chicago & North Western in connection with which the through rate plus a reasonable reconsignment charge was not applicable upon complainant's shipment of a carload of lump coal from Eldorado, Ill., to Bethany, Nebr., found unreasonable and to have resulted in damage to complainant. Reparation awarded.

Miss. R. R. Comm. v. *A. & V. Ry. Co.*, 89 I. C. C. 47.

809. The rates, regulations, and practices governing the transportation of cotton from points in Mississippi to eastern, northern, and southeastern destinations, not found unreasonable or otherwise unlawful with certain exceptions indicated in report.

810. Fourth-section relief denied.

S. W. Interstate Coal Operators' Asso. v. *A. W. Ry. Co.*, 89 I. C. C. 73.

811. Interstate rates on bituminous coal, in carloads, from mines in Kansas, Missouri, Arkansas, and Oklahoma to Kansas City, Mo.-Kans., St. Joseph, Mo., Atchison and Leavenworth, Kans., Omaha and Nebraska City, Nebr., Council Bluffs and Sioux City, Iowa, and territories, found unreasonable. Reasonable rates prescribed.

Rules for protective service, 89 I. C. C. 87.

812. Proposed rule in the national perishable protective tariff providing that, when shipments of fruits, vegetables, and certain other perishable freight are tendered for transportation in refrigerator cars with ice on top of the load, they will be considered as moving under refrigeration, and charges assessed accordingly, found not justified. Suspended schedules ordered canceled, without prejudice to the publication of a rule in conformity with the findings herein.

United Verde Extension Mining Co. v. *A., T. & S. F. Ry. Co.*, 89 I. C. C. 95.

813. Rate on copper bullion, in carloads, from Clarkdale, Ariz., to San Pedro and East San Pedro, Calif., found unreasonable. Reasonable rate prescribed.

Midland Coal Co. v. *M. P. R. R. Co.*, 89 I. C. C. 101.

814. Rate on nut coal, in carloads, from Cornell, Kans., to Fairview, Mo., found unreasonable. Reasonable maximum rate prescribed for the future. Reparation awarded.

Consolidated Products Co. v. *C., B. & Q. R. R. Co.*, 89 I. C. C. 103.

815. Rates collected on condensed buttermilk, in carloads, from Denver, Colo., to Chicago and Peoria, Ill., and Oskaloosa, Iowa, found inapplicable. Defendant directed to refund the overcharges.

Coal from Ill., Ind., Wis., and St. Louis, 89 I. C. C. 105.

816. Proposed increased rates on bituminous coal, in carloads, from Green Bay, Wis., group points to destinations on the Sioux City division of the Great Northern Railway found not justified, and schedule naming such rates ordered canceled.

817. Proposed rates on coal, in carloads, from points in Illinois and Indiana and from St. Louis, Mo., to certain destinations on the Great Northern Railway in Iowa, Minnesota, North Dakota, and South Dakota found justified, and order of suspension with respect thereto vacated.

818. Upon further hearing of fourth-section application No. 3400, relief denied.

Dolese Bros. Co. v. *A., T. & S. F. Ry. Co.*, 89 I. C. C. 110.

819. Rates on crushed stone, in carloads, from Buffalo and Linwood, Iowa, to destinations in Illinois, found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates to key points determined, and defendants directed to work out rates to points on and west of the line of the Illinois Central Railroad, Freeport to Centralia, Ill., in accordance with the findings herein.

820. Reparation awarded.

Pinson Brokerage Co. v. *C. & G. R. R. Co.*, 89 I. C. C. 125.

821. Rate on cottonseed hulls, in carloads, from Greenville, Miss., to Marietta, Ga., found unreasonable. Reparation awarded.

McCleland Hardware Co. v. *I. C. R. R. Co.*, 89 I. C. C. 129.

822. Applicable commodity rate on agricultural implements, in carloads, from Memphis, Tenn., to Jackson, Miss., in December, 1921, and January, 1922, found to have been unreasonable to the extent that it exceeded the sixth-class rate contemporaneously in effect. Reparation awarded.

Burlap Bags and Certain Iron and Steel Atricles, 89 I. C. C. 131.

823. Proposed increased rates on burlap bags and on iron and steel hinges, door hangers, and related articles, in carloads, from central territory to Mississippi Valley destinations found justified. Order of suspension vacated.

Storage in Transit on Apples, 89 I. C. C. 135.

824. Proposed restriction in transit arrangements on apples at points in Alabama and Tennessee found not justified. Suspended schedules ordered canceled.

Chicago Coal Merchants Asso. v. *Director General*, 89 I. C. C. 137.

825. Upon reargument, interstate rates on coal from various producing regions to the Chicago switching district, higher to some delivery points therein than to Chicago itself, not found unreasonable, but adjustment found unduly prejudical and preferential, and undue prejudice and preference ordered removed. Findings in prior report concerning corresponding rates to Greenwood Street, in Evanston, Ill., affirmed. Prior report herein, 73 I. C. C. 161.

Grain and Grain Products to Texas Points, 89 I. C. C. 141.

826. Cancellation of application of the Deming, N. Mex., rates as maxima on grain and grain products, in carloads, from defined territories to certain points in south Texas found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Lockport Board of Commerce v. *N. Y. C. R. R. Co.*, 89 I. C. C. 144.

827. Refusal of defendants to interchange carload freight at a designated point in Lockport, N. Y., and provide for reciprocal absorption of switching charges from and to such point, found not to be unreasonable or otherwise unlawful. Complaint dismissed.

West End Scrap Iron & Metal Co. v. *Director General*, 89 I. C. C. 149.

828. Class rate charged for the transportation of one carload of scrap iron from South Range, Mich., to Duluth, Minn., February 16, 1920, found to have been unreasonable. Reparation awarded.

Tallulah Cotton Oil Co. v. *V. S. & P. Ry. Co.*, 89 I. C. C. 151.

829. Applicable rates on mixed carloads of cottonseed meal and hulls from Tallulah, La., to Vicksburg, Miss., found unreasonable. Reparation awarded.

Southern Cotton Oil Co. v. *Director General*, 89 I. C. C. 154.

830. Carload rate on peanuts, in bulk, from Selma, Ala., to Columbus, Ga., found unreasonable. Reparation awarded.

Standard Oil Co. v. *Y. & M. V. R. R. Co.*, 89 I. C. C. 157.

831. Rates charged on two tank-car loads of gasoline and two tank-car loads of petroleum refined oil shipped in August, 1922, from North Baton Rouge, La., to Pikeville, Tenn., found unreasonable. Reparation awarded.

Continental Coffee Co. v. *A., T. & S. F. Ry. Co.*, 89 I. C. C. 159.

832. Rate on green coffee, in carloads, from New Orleans, La., to Wichita, Kans., found not unreasonable or unjustly discriminatory. Complaint dismissed.

Armour & Co. v. *A. C. L. R. R. Co.*, 89 I. C. C. 162.

833. Shipments of fresh meat and dressed poultry, in carloads, from Louisville, Ky., Chicago, Ill., South St. Paul, Minn., and Kansas City, Mo., to Key West, Fla., for export to Cuba, found to have been overcharged in certain instances. Refund of such overcharges directed.

834. Applicable rates on the shipments above mentioned found not to have been or to be unreasonable.

835. Rate charged on one carload shipment of dressed poultry from Springfield, Mo., to Key West, for export to Cuba, found to have been unreasonable. Reasonable rate prescribed for the future, and reparation awarded.

Lake Dock Coal Cases, 89 I. C. C. 170.

836. Rates on bituminous coal, in carloads, from Lake Superior docks to points in Minnesota, North Dakota, South Dakota, and Iowa found not unreasonable or otherwise unlawful, except as noted below.

837. Relationship of rates on the same commodity from Lake Superior docks and the southern Illinois district to certain destinations in southern Minnesota found unduly preferential of that district and unduly prejudicial to the docks. Such preference and prejudice ordered removed.

838. Rates to Sioux City, Iowa, on bituminous and anthracite coal from Lake Superior docks and on bituminous lump coal from various Illinois groups found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed.

839. Rates on bituminous slack or steam coal from Illinois groups to Sioux City not shown to be unreasonable or unduly prejudicial.

840. Rates to certain points in central and western South Dakota on bituminous and anthracite coal from Lake Michigan docks and on bituminous coal from the various Illinois groups found unreasonable. Reasonable basis of rates prescribed.

841. Rates on slack or steam coal from the various Illinois groups to certain cities in eastern South Dakota found unduly prejudicial. Such prejudice ordered removed.

842. Rates on bituminous coal from the northern Illinois district to destinations in Wisconsin found not unreasonable or unduly prejudicial as compared with the rates from Lake Michigan docks, and the rates from such docks found not unduly preferential of persons and localities in intrastate commerce. Complaint in No. 14142 dismissed.

843. Relationship of rates on bituminous coal from Lake Michigan docks and the southern Illinois district to certain destinations in Wisconsin found unduly preferential of that district and unduly prejudicial to the docks. Such preference and prejudice ordered removed.

844. Rates on bituminous and anthracite coal from Milwaukee, Wis., to points in southern Minnesota and South Dakota east of the Missouri River found not unjustly discriminatory or unduly prejudicial as compared with rates from Duluth, Minn., and Superior, Wis., to the same destinations. Complaint in No. 13173 dismissed.

Atlas Cereal Co. v. *A., T. & S. F. Ry. Co.*, 89 I. C. C. 312.

845. Rates on rolled oats, oat groats, oatmeal, and oat flour, in straight or mixed carloads, or in mixed carloads with corn meal and hominy from points in Missouri, Kansas, Nebraska, Iowa, and Minnesota embraced in transcontinental Groups E, F, and G to north and south Pacific coast and intermediate points, and to points in Montana and northern Wyoming, not shown to have been unreasonable or otherwise unlawful. Complaint dismissed.

Combination rule on Box Shooks, 87 I. C. C. 217.

846. Proposed cancellation of combination rule in connection with proportional rate from Grand Junction, Colo., to Montrose and Somerset, Colo., and intermediate points, on interstate shipments of box shooks and car strips, in carloads, originating in defined territory, found not justified. Suspended schedule ordered canceled.

N. O. Joint Traffic Bureau v. *A. & V. Ry. Co.*, 89 I. C. C. 223.

847. Rates on nitrate of soda, in carloads, from New Orleans, La., and subports taking the same rates to destinations in Arkansas found unreasonable for the future. Reasonable maximum rates prescribed.

848. Fourth-section relief granted.

Demurrage rules on Coal and Coke, 89 I. C. C. 230.

849. Proposed amendment to rule providing for exemption from demurrage rules of empty cars placed for loading coal at coal mines, coal-mine sidings, and coal washers, or coke at coke ovens, found not justified. Suspended schedules ordered canceled.

Eagle-Ottawa Leather Co. v. *Director General*, 89 I. C. C. 233.

850. Rates on green-salted hides from Milwaukee. Wis., to Whitehall, Mich., found unreasonable and unduly prejudicial. Reparation awarded.

Chesnutt Lumber Co. v. *Director General*, 89 I. C. C. 236.

851. Penalty charges on carload shipments of lumber consigned to and delivered at Nashville, Tenn., and subsequently reforwarded to other destinations found not applicable and their cancellation directed.

852. Reconsignment charges assessed on carload shipments of lumber at Nashville found not applicable to certain shipments and applicable but unreasonable as to others. Cancellation of inapplicable charges and waiver of unreasonable charges authorized.

853. Demurrage charges on carload shipments of lumber at Nashville found applicable on some shipments and not applicable as to others. Complaints dismissed.

Western Petroleum Refiners Asso. v. *C., R. I. & P. Ry. Co.*, 89 I. C. C. 241.

854. Rules providing for the application of the combination of rates to and from original billed destination, plus a reforwarding or reconsignment charge, on petroleum and petroleum products, in tank-car loads, placed on private siding for unloading at such destination and reforwarded therefrom without being unloaded to a point outside the switching limits, found unreasonable. *Reconsignment case*, 47 I. C. C. 591, overruled in part. A reasonable rule prescribed for the future.

A. & C. Mill Co. v. *Director General*, 89 I. C. C. 245.

855. Upon further hearing, original findings in 64 I. C. C. 548, that the rates on cedar shingles, in carloads, from points in the north Pacific coast group to points in Oklahoma and Texas were unreasonable, modified as to the rates via certain routes to Texas points. Reparation awarded.

Power Specialty Co. v. *D. & M. M. R. R. Co.*, 89 I. C. C. 251.

856. Less-than-carload rating of second class in the western classification on steam superheaters and parts thereof, found unreasonable and third-class rating prescribed. Reparation awarded on shipments from Dansville, N. Y., to western classification territory. Third-class rating thereon in the official and southern classifications found not unreasonable.

Roberts Cotton Oil Co. v. *B. C. R. R. Co.*, 89 I. C. C. 255.

857. Rate on cotton seed, in carloads, shipped from Broseley, Mo., to Cairo, Ill., found unreasonable. Reparation awarded.

W. Terra Cotta Co. v. *P., C., C. & St. L. R. R. Co.*, 89 I. C. C. 257.

858. Rate on broken stoneware and broken tile, in carloads, from Brazil, Ind., to Chicago, Ill., prior to July 1, 1922, found unreasonable. Reparation awarded. Existing rate found not unreasonable.

Midland Linseed Products Co. v. *Director General*, 89 I. C. C. 260.

859. Upon further hearing, rates on linseed-oil meal, in carloads, from Undercliff, N. J., to Chicago, Ill., and North Hammond, Ind., found unreasonable. Reparation awarded. Previous reports, 69 I. C. C. 753 and 77 I. C. C. 242.

Paper stock from St. Louis, 89 I. C. C. 267.

860. Proposed increased rates on paper stock and scrap paper, in carloads, from St. Louis, Mo., to Alton, Edwardsville Junction, and Federal, Ill., found not justified. Suspended schedules ordered canceled.

Amer. Box Board Co. v. *Director General*, 89 I. C. C. 271.

861. Rate on straw, in carloads, from Yorktown, Ind., to Grand Rapids, Mich., found not unreasonable. Complaint dismissed.

Ahern Brokerage Co. v. *A. C. L. R. R. Co.*, 89 I. C. C. 274.

862. Rates charged on vegetables, in carloads, from points in Florida to Chicago, Ill., found applicable and not unreasonable. Complaint dismissed.

Atlantic Refining Co. v. *A., B. & A. Ry. Co.*, 89 I. C. C. 279.

863. Rates on gas oil, fuel oil, and gasoline, in tank-car loads, from Brunswick, Ga., to Charleston, S. C., found not unreasonable. Complaint dismissed.

Jackson Traffic Bureau v. *B. R. R. & C. Co.*, 89 I. C. C. 282.

864. Rates on crude sulphur, in carloads, from Sulphur Mine, La., to Jackson, Miss., found unreasonable. Reparation awarded and maximum reasonable rate prescribed.

Cincinnati Asso. of Purchasing Agents v. *L. & N. R. R. Co.*, 89 I. C. C. 285.

865. Interstate rates on bituminous coal, in carloads, from mines on the Louisville & Nashville Railroad in eastern Kentucky, Tennessee, and southwest Virginia to the Cincinnati, Ohio, switching district and to Andrews, Covington, Latonia, and Newport, Ky., found not unreasonable or unduly prejudicial. Complaint dismissed.

Petroleum oil and its products, 89 I. C. C. 295.

866. Proposed increased rates on petroleum and its products from points in Kansas, Missouri, and Oklahoma to Belleville, Ill., and points in Illinois south thereof on the Illinois Central found not justified. Suspended schedules ordered canceled.

Express rates, 89 I. C. C. 297.

867. Cost study submitted by the Class I railroads of the United States in support of the petition for increased interstate express rates and charges filed by the American Railway Express Co., and reviewed in the prior report in this case, again reviewed and found not to have established the cost of the express service.

868. Findings in the prior report, 83 I. C. C. 606, respecting interstate express rates and charges affirmed, with certain modifications stated in this report.

Pig iron between Florence and Sheffield, 89 I. C. C. 324.

869. Proposed increased rate on pig iron, in carloads, between Sheffield and Florence, Ala., when for movement by water beyond, found justified. Order of suspension vacated and proceeding discontinued.

Wasteful service by tap lines, 89 I. C. C. 327.

870. Findings in original reports, 53 I. C. C. 656 and 58 I. C. C. 450, that the divisions of joint rates on lumber and forest products accruing to tap lines under the orders in *The Tap Line case*, 31 I. C. C. 490, must be measured by the distance to the junction with the trunk line over the direct route of movement toward final destination, affirmed. Orders entered in enforcement of these findings.

Terminal charges on transcontinental traffic, 89 I. C. C. 332.

871. Proposed new rules, regulations, and practices restricting the application of certain transit, terminal, and other privileges and allowances on transcontinental traffic, found not justified. Suspended schedules ordered canceled.

Matches from Bellefonte, 89 I. C. C. 337.

872. Proposed increased rates on matches, in carloads, from Bellefonte, Pa., to Chattanooga and Knoxville, Tenn., found justified. Order of suspension vacated and proceeding discontinued.

Nestle's Food Co. v. *Director General*, 89 I. C. C. 340.

873. Rates on evaporated milk, in carloads, from Lodi, Wis., to Chicago and Clearing, Ill., found unreasonable. Shipments of like traffic from Lodi to New Orleans, La., found to have been misrouted. Reparation awarded.

Duluth Iron & Metal Co. v. *Director General*, 89 I. C. C. 343.

874. Rates on second hand steel rails and angle bars, in mixed carloads, from Sault Ste. Marie, Mich., to Duluth, Minn., found unreasonable. Reparation awarded.

Afterthought Copper Co. v. *Director General*, 89 I. C. C. 346.

875. Rates on copper matte, in carloads, from Bella Vista, Calif., to Tacoma, Wash., found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Transit rules on grain, 89 I. C. C. 349.

876. Cancellation of provision for free out-of-line haul and transit arrangement at Springfield, Mo., on grain originating at points on the Frisco west of Neodesha, Kans., and north of Enid, Okla., found justified. Order of suspension vacated.

Routing of lumber from Pacific Coast, 89 I. C. C. 351.

877. Proposed restriction of routing of lumber from Pacific coast points to stations on the Copper Range Railroad found not justified. Suspended schedules ordered canceled.

Wallingford Coal Co. v. *Director General*, 89 I. C. C. 353.

878. Demurrage charges collected on certain shipments of coal at Seaboard, N. J., found to have been illegal to the extent indicated. Reparation awarded.

McLeod v. *T. & P. Ry. Co.*, 89 I. C. C. 356.

879. Joint rates on gasoline, in carloads, from points in Texas and Oklahoma to destinations in California and Washington found applicable but unreasonable. Reparation awarded.

Fairmont Creamery Co. v. *Director General*, 89 I. C. C. 359.

880. Following *Swift & Co.* v. *Director General*, 77 I. C. C. 678, charges collected for ice and salt furnished in connection with refrigeration of butter, eggs, and dressed poultry, in official classification territory, in straight and mixed carloads, found to have been illegally assessed. Reparation awarded.

Johnson Pearce Produce Co. v. *O.-W. R. R. & N. Co.*, 89 I. C. C. 361.

881. Upon further consideration, original findings modified with respect to the measure of the unreasonableness for the future in the rates on apples, in carloads, from Yakima, Wash., and Hood River, Oreg., to Mesa, Ariz. Original report, 88 I. C. C. 385.

Liberty Glass Co. v. *M. P. R. R. Co.*, 89 I. C. C. 362.

882. Rate applicable on silica sand, in carloads, from Guion, Ark., to Sapulpa, Okla., found not unreasonable. Complaint dismissed.

Toberman, Mackey & Co. v. *Director General*, 89 I. C. C. 365.

883. Demurrage charges for detention of a carload of hay at Camp Jackson, S. C., found to have been legally assessed. Complaint dismissed.

Vitrolite Co. v. *A., T. & S. F. Ry. Co.*, 89 I. C. C. 367.

884. Classification ratings on Vitrolite, in carloads and less than carloads, found unreasonable and unduly prejudicial. Reasonable and nonprejudicial ratings prescribed for the future.

Buxton-Smith Co. v. *A., T. & S. F. Ry. Co.*, 89 I. C. C. 373.

885. Rates on fresh fruits and vegetables, in mixed carloads, from Los Angeles and San Francisco, Calif., to Douglas and Bisbee, Ariz., found not unreasonable. Rates on fresh fruits, in straight carloads, and fresh vegetables, in straight carloads, from and to the same points since June 30, 1922, and for the future, found not unreasonable. Allegations of unjust discrimination and undue prejudice found not sustained.

886. Rates on fresh fruits, in straight carloads, and on fresh vegetables, in straight carloads, from and to the same points prior to July 1, 1922, found unreasonable. Reparation awarded.

Pikes Peak Co-Operative Asso. v. *M. T. Ry. Co.*, 89 I. C. C. 379.

887. Relationship of rates on potatoes and lettuce, in straight carloads, from Divide, Canon City, Villa Grove, and Antonito, Colo., to destinations in Texas, Oklahoma, Kansas, and States east thereof, found to subject Divide and its traffic to undue prejudice and disadvantage and to give to the other points mentioned, and their traffic, an undue preference and advantage.

Grasselli Chemical Co. v. *B. & O. R. R. Co.*, 89 I. C. C. 383.

888. Joint rates on crude sulphur, in carloads, from New York, N. Y., and Baltimore, Md., to Hamilton, Ontario, Canada, found unreasonable and unduly prejudicial.

La Crosse Chamber of Commerce v. *G. L. T. Corp.*, 89 I. C. C. 386.

889. Rail-lake-and-rail rates from eastern points to La Crosse, Wis., Winona, and Red Wing, Minn., found not unreasonable or unduly prejudicial. Complaint dismissed.

Atlantic Refining Co. v. *Director General*, 89 I. C. C. 391.

890. Rate on gasoline, in carloads, from Porters Falls, W. Va., to Philadelphia, Pa., found unreasonable. Reparation awarded.

Grosjean Rice Milling Co. v. *Director General*, 89 I. C. C. 395.

891. Charges collected on four carloads of rice flour from Seattle, Wash., to New Orleans, La., found applicable.

892. Rate applicable on rice flour, in carloads, from and to the points stated, found not unreasonable. Complaint dismissed.

Jackson Traffic Bureau v. *A. & V. Ry. Co.*, 89 I. C. C. 399.

893. Rate on staves and headings, in carloads, from Holly Ridge, La., to Savannah and Brunswick, Ga., and Jacksonville, Fla., found not unreasonable. Complaint dismissed.

Goodyear Tire & Rubber Co. v. *A., C. & Y. Ry. Co.*, 89 I. C. C. 401.

894. Rates on carbon black, in carloads, from Lem, Ky., to Akron, Ohio, found unreasonable. Reparation awarded.

Helena Traffic Bureau v. *M. P. R. R. Co.*, 89 I. C. C. 405.

895. Rates on grain and grain products, in carloads, from Illinois and western territory points to Helena, Ark., found not unreasonable.

896. Rates on grain and grain products maintained or participated in by the Missouri Pacific over its west-side route from points in Kansas, Nebraska, Iowa, and Missouri, except St. Louis, to Helena, found unduly prejudicial to Helena and unduly preferential of Memphis, Tenn. Reparation denied.

897. Fourth-section relief granted to the Chicago, Rock Island & Pacific, with respect to rates from certain points on its line.

Dufur Orchard Co-Owners Co. v. *A. & R. R. R. Co.*, 89 I. C. C. 419.

898. Rates on apples, in carloads, from Dufur, Oreg., a local point on the Great Southern Railroad, to Denver, Colo., and to destinations east of the Missouri River, or taking rates applicable to such territory, found not unreasonable but unduly prejudicial to the extent they exceeded and exceed the blanket basis of rates applicable from the junction of the Great Southern with the Oregon-Washington Railroad & Navigation lines. Reparation denied.

Standard Oil Co. v. *A., T. & S. F. Ry. Co.*, 89 I. C. C. 425.

899. Rates on pipe from points in westbound transcontinental Group B to Taft, Calif., found not unreasonable or unduly prejudicial. Complaint dismissed.

Young v. *C., I. & L. Ry. Co.*, 89 I. C. C. 428.

900. Rates on Bedford limestone from the Indiana quarries to the Twin Cities found not unreasonable or otherwise unlawful, except that prior to June 1, 1923, they were in violation of the long-and-short-haul clause of the fourth section. Complaint dismissed.

Meyer-Vasquez Produce Co. v. *Director General*, 89 I. C. C. 437.

901. Rate on cabbage, in carloads, from certain points in the State of Washington to St. Louis, Mo., found unreasonable. Reparation awarded.

Larrowe Milling Co. v. *A., T. & S. F. Ry. Co.*, 89 I. C. C. 439.

902. Combination rates on cottonseed cake and meal, in carloads, from Texas common points to points in eastern trunk-line and New England territories intermediate to New York, N. Y., Boston, Mass., and other eastern basing points, found unreasonable. Reasonable rates prescribed, and reparation awarded.

903. Fourth-section relief denied.

Nebraska Livestock Case, 89 I. C. C. 444.

904. Rates on ordinary livestock, in carloads, from points in Nebraska to Omaha and South Omaha, Nebr., as related to rates from Nebraska points to St. Joseph and Kansas City, Mo., and Sioux City, Iowa, found to be unduly prejudicial, unreasonably preferential, and unjustly discriminatory. Scales suggested for the correction of the situation.

Standard Oil Co. v. *M. K.-T. R. R. Co.*, 89 I. C. C. 463.

905. Rate charged on petroleum gas oil, in tank-car loads, from Burkburnett, Henrietta, and Wichita Falls, Tex., to Louisville, Ky., found not unreasonable.

906. Cancellation of joint rates on crude and fuel oils from north Texas points to Louisville found justified. Order of suspension vacated and proceeding discontinued.

Fourth Section Departures in Eastern Trunk Line Territory, 89 I. C. C. 470.

907. Portions of applications protecting fourth-section departures in class rates within eastern trunk-line territory, between central territory, on the one hand, and eastern trunk-line and New England territories on the other, and between eastern trunk-line territory and New England territory, denied.

Fresh fruit and vegetables between North Pacific coast points, 89 I. C. C. 473.

908. Proposed increased rates on fresh fruit and vegetables between north Pacific cosat points found not justified. Order suspending proposed reduced rates vacated and proceeding discontinued.

Egg cases and carriers from Iowa to S. Dak., 89 I. C. C. 479.

909. Proposed increased rates on egg cases and egg carriers, and commodities grouped therewith, in carloads, from points in Iowa to destinations in South Dakota found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Sand and Gravel from Wis., 89 I. C. C. 484.

910. Proposed increased rates on sand and gravel, in carloads, from points in Wisconsin to Evanston, Ill., and various destinations south thereof in the Chicago switching district, and cancellation of rates from Ives, Wis., to the same destinations, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Ohio Farm Bureau Federation v. *A. & W. Ry. Co.*, 89 I. C. C. 489.

911. Joint class rates between points on the Federal Valley Railroad and points on the lines of its connections required to be established on the basis herein prescribed.

912. Divisions of joint class rates and joint rates on bituminous coal accorded Federal Valley Railroad Company.

Charleston Traffic Bureau v. *A. G. S. R. R. Co.*, 89 I. C. C. 501.

913. Complaints alleging that certain export rates are unduly prejudicial to south Atlantic ports and preferential of other ports not dismissed because complainants or their members do not pay and bear the charges.

914. Export rates on unmanufactured tobacco, in hogsheads, any quantity, from Ohio River cities and points in western Kentucky and northwestern Tennessee to south Atlantic ports, on the one hand, and Gulf ports, on the other, found unduly prejudicial to the former and preferential of the latter. Nonprejudicial relationship of rates prescribed.

915. Transit arrangement at Nashville, Tenn., by which shipments originating on the Louisville & Nashville may be warehoused at that point and reshipped over the same line to Gulf or north Atlantic ports, but not to south Atlantic ports at the through rate plus a transit charge, found unduly prejudicial and preferential. Such prejudice and preference ordered removed.

Pacific Manure & Fertilizer Co. v. *A. & R. R. R. Co.*, 89 I. C. C. 508.

916. Rates on animal manure, in carloads, from Perth and Lovelock, Nev., to eastbound transcontinental Groups A to F, inclusive, and K to M, inclusive, found not unreasonable.

917. Rates on the same commodity from the same points of origin to eastbound transcontinental Groups G, H, and J found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Reduced Commodity Rates to Pacific Coast, 89 I. C. C. 512.

918. Proposed reduced rates on numerous commodities, in carloads, from New York, N. Y., piers of the Southern Pacific Company—Atlantic Steamship Lines (Morgan Line), applying by water to Galveston, Tex., and New Orleans, La., thence by rail to points on the lines of the Southern Pacific system in New Mexico, Arizona, and California, found justified. Suspension vacated.

919. Proposed reduced rates on certain commodities from New York piers of Mallory Steamship Company and Philadelphia, Pa., piers of Southern Steamship Company found not justified. Suspended schedules ordered canceled.

920. Rates assailed in No. 15343 found not unduly prejudicial or preferential. Complaint dismissed.

Post Bros. Tile Co. v. *Director General*, 89 I. C. C. 544.

921. Rates on draintile, in carloads, from Commerce, Mo., to points of destination in northeastern Arkansas found to be unreasonable and unduly prejudicial. Maximum reasonable distance scale of rates prescribed for the future. Reparation denied.

Kingan & Co. v. *Director General*, 89 I. C. C. 550.

922. Rate of $5 per car for the movement of livestock from the stockyards in Indianapolis, Ind., to complainant's plant at that place during the period February 18, 1919, to February 29, 1920, inclusive, found not unreasonable.

Richardson Sand Co. v. *Director General*, 89 I. C. C. 555.

923. Rates on sand and gravel, in carloads, from Carpentersville, Ill., to Edison Park and Park Ridge, Ill., during Federal control found illegal. Reparation awarded.

Virginia Can Co. v. *A. & V. Ry. Co.*, 89 I. C. C. 558.

924. Rates on tin cans, in carloads and less than carloads, from Buchanan, Va., to destinations in southern territory, found not unreasonable or otherwise unlawful, except certain carload rates, which are found to have been unreasonable and unduly prejudicial. Reparation awarded.

Memphis-Southwestern Investigation, 89 I. C. C. 566.

925. Petition of the Missouri Pacific for authority to maintain lower rates on grain and grain products from St. Louis, Mo., and Cairo, Ill., to Memphis, Tenn., and Mississippi River crossings south of Memphis and from Memphis to river crossings south of that point than are contemporaneously maintained on like traffic to intermediate points, denied.

Cancellation of Coal Rates, 89 I. C. C. 573.

926. Proposed cancellation of joint rates on coal from points in eastern Kentucky and Tennessee and southwestern Virginia to St. Paul, Minneapolis, and Minnesota Transfer, Minn., leaving in effect higher combination rates, found not justified. Suspended schedules ordered canceled without prejudice to the publication of schedules in conformity with the findings herein. Findings in original report in I. and S. 1558, 73 I. C. C. 447, modified. Nos. 10741 and 11289 discontinued.

927. Fourth-section relief denied.

Boston Wool Trade Asso. v. *Director General*, 89 I. C. C. 589.

928. Upon further hearing and reargument, the findings in our previous report, 69 I. C. C. 282, modified to the extent of awarding reparation on shipments of coal from Mystic Wharf, Boston, Mass., to East Cambridge, Mass., on shipments of salt between West Cambridge, Mass., and East Cambridge, and on carload shipments of miscellaneous commodities to the J. L. Kelso Company warehouse on the Union Freight Railroad, Boston.

American Shipbuilding Co. v. *Director General*, 89 I. C. C. 601.

929. Upon further argument, rates on iron and steel articles, in carloads, from Pittsburgh, Pa., and other points in western Pennsylvania, to Cleveland, Lorain, Canton, and Akron, Ohio, found unreasonable. Reasonable rates prescribed for the future to Cleveland, Lorain, and Canton, and reparation awarded. Original report, 77 I. C. C. 439.

930. Findings in original report in No. 13321, 78 I. C. C. 724, affirmed, with modification indicated.

Iron and Steel Articles, 89 I. C. C. 606.

931. Proposed changes in interstate rates, consisting of increases and decreases, on iron and steel articles, in carloads and less than carloads, between points in the Pittsburgh district and adjacent territory in Pennsylvania, New York, Ohio, West Virginia, and Maryland, found not justified. Suspended schedules ordered canceled and proceeding discontinued, without prejudice to the filing of new schedules in conformity with the views herein expressed.

Naval Stores from Southern points, 89 I. C. C. 634.

932. Upon further consideration findings in original report, 87 I. C. C. 740, with respect to adjustment of rates on naval stores from points in the Southeast and Mississippi Valley to various destination territories, modified in certain particulars.

Coal and coke from points on C. & O. Ry., 89 I. C. C. 638.

933. Applications for authority to continue to maintain rates on bituminous coal from mines on the northern portion of the Gauley branch of the Chesapeake & Ohio Railway to destinations in numerous States lower than from intermediate points on said branch, denied.

Handling charges on shingles, 89 I. C. C. 641.

934. Proposed increased charges for handling shingles at south Atlantic and Gulf ports found justified. Order of suspension vacated and proceeding discontinued.

McCloud River Lumber Co. v. *Director General*, 89 I. C. C. 645.

935. Rates charged on carload shipments of lumber and box shooks from McCloud, Calif., to various points in California during the periods October 31, 1918, to February 14, 1919, inclusive, and August 25, 1919, to February 29, 1920, inclusive, found inapplicable. Reparation awarded to basis of applicable rates.

Ind. Public Service Commission v. *B. & O. R. R. Co.*, 89 I. C. C. 651.

936. Rates on fresh fruits and vegetables, in carloads, from Indiana points to Chicago, Ill., found unreasonable and unduly prejudicial as compared with rates on the same commodities from Illinois points to Chicago. Reasonable and nonprejudicial rates prescribed for application from both Indiana and Illinois.

Indian Refining Co. v. *Director General*, 89 I. C. C. 657.

937. Rates on petroleum and its products, in carloads, from Lawrenceville, Ill., to Bristol, Va.-Tenn., found not unreasonable or unduly prejudicial, except to the extent and during the period that it exceeded the aggregate of intermediate rates. Reparation awarded.

938. Rates from Lawrenceville to Bristol higher than from Chicago, Ill., and Whiting, Ind., found in violation of the fourth section and removal of this violation directed.

Switching charges of M. Ry. Co., 89 I. C. C. 664.

939. Proposed increased minimum switching charge of the Manufacturers Railway at St. Louis found justified. Order of suspension vacated and proceeding discontinued.

Western coal rates, 89 I. C. C. 666.

940. Upon further hearing, findings in original report, 80 I. C. C. 383, modified with respect to the differential between rates on bituminous coal from mines in the Castle Gate district in Utah and the Rock Springs-Kemmerer district in Wyoming to destinations in the Northwest.

941. Inclusion of Rock Springs and Kemmerer in one group found not unduly prejudicial of operators of coal mines in Utah.

942. Original findings withdrawn with respect to the differentials in the rates on coal from Thompson, Utah, over the Castle Gate district and under the Cameo-Palisade district in Colorado to destinations in the States west and northwest of Utah.

943. Previous denial of request for establishment of additional joint rates on coal from the Castle Gate district to points in the Northwest affirmed.

Union Cypress Co. v. *F. E. C. Ry. Co.*, 89 I. C. C. 679.

944. Upon rehearing, carload shipments of lumber from Hopkins, Fla., to Baltimore, Md., and other points, made during period from June 25, 1918, to February 14, 1919, inclusive, found overcharged to the extent that the rates

applied exceeded the combinations of separately established rates to and from Jacksonville, Fla., in effect June 24, 1918, increased 5 cents per 100 pounds. Reparation awarded. Prior report herein, 58 I. C. C. 442. modified.

Crushed stone from Maryland and Pennsylvania, 89 I. C. C. 681.

945. Proposed changes in rates and commodity descriptions on finely crushed greenstone and crushed stone from Gladhill, Pa., and other Baltimore rate points to Niagara frontier, trunk-line, and New England points found justified in part. Suspended schedules ordered canceled without prejudice to the publication of rates and descriptions in conformity with our findings.

946. Rates on finely crushed greenstone from the Gladhill district, Pa., to Lockport, N. Y., since December 4, 1921, found not unreasonable or otherwise unlawful. Complaint dismissed.

Attendants with race horses, 89 I. C. C. 689.

947. Schedules proposing changes in respondents' rules governing the free transportation of attendants with race horses, in carloads, moving by express, found not justified. Suspended schedules ordered canceled.

New York Dock Ry. v. *B. & O. R. R. Co.,* 89 I. C. C. 695.

948. Divisions of joint freight rates accorded the New York Dock Railway found unjust, unreasonable, and inequitable. Just, reasonable, and equitable divisions prescribed. Previous report in No. 13010, 73 I. C. C. 656.

Knoxville Traffic Bureau v. *S. Ry. Co.,* 89 I. C. C. 708.

949. Rates on "special" iron and steel articles from Cincinnati and Ironton, Ohio, and Pittsburgh, Pa., and points taking the same or related rates, on tin and terne plate from Cincinnati and Pittsburgh and points taking the same or related rates, on nails from Ironton and points taking the same or related rates, to Knoxville, Tenn., and on iron and steel articles as described in the report from Buffalo, N. Y., and Pittsburgh and points taking the same or related rates, to Chattanooga, Tenn., found unreasonable and unduly prejudicial in some instances. Reasonable and nonprejudicial rates prescribed. Reparation and fourth-section relief denied.

Livestock between Texas and Kansas points, 89 I. C. C. 720.

950. Schedules limiting to certain direct routes the application of the distance rates on stocker or feeder cattle, in carloads, named in Agent Leland's I. C. C. No. 1667 from points on the Texas Mexican Railway to Arkansas City, Wichita, and Wichita Union Stock Yards, Kans., found justified. Order of suspension vacated.

Jacobs, Malcolm & Burtt v. *G. N. Ry. Co.,* 89 I. C. C. 723.

951. Rate on apples from Chelan, Wash., to San Francisco, Calif., found unreasonable. Reasonable rate prescribed for the future and reparation awarded.

Lignite coal from N. Dak., 89 I. C. C. 726.

952. Proposed increased rates on lignite from mines in North Dakota to destinations in North Dakota, South Dakota, and Minnesota, found not justified. Suspended schedules ordered canceled.

Transcontinental Oil Co. v. *P. R. R. Co.,* 89 I. C. C. 738.

953. Rates on petroleum and its products, including gasoline, in tank-car loads, from Point Breeze, Philadelphia, Pa., to Fresh Pond, N. Y., found unreasonable and unduly prejudicial. Reasonable rate prescribed and reparation awarded.

El Dorado Chamber of Commerce v. *C., R. I. & P. Ry. Co.,* 89 I. C. C. 743.

954. Charge of the Chicago, Rock Island & Pacific for interchange switching of interstate carload shipments between certain industries on its line and its connection with the Missouri Pacific at El Dorado, Ark., found not unduly prejudicial or preferential, but unreasonable for the future. Reasonable charge prescribed.

Apollo Steel Co. v. *P. R. R. Co.,* 89 I. C. C. 747.

955. Rates on spelter, in carloads, from Locust Point, Baltimore, Md., to Apollo, Pa., found unreasonable. Reparation awarded and maximum reasonable rate prescribed for the future.

Pittsburgh Steel Co. v. *B. & O. R. R. Co.,* 89 I. C. C. 749.

956. Rate on coke, in carloads, from Cascade, W. Va., to Monessen, Pa., between June 10 and June 20, 1922, found unreasonable. Reparation awarded.

Construction and repair of railway equipment, 89 I. C. C. 751.

957. In 1920 and 1921, pursuant to contracts negotiated at different times, 115 locomotives of the respondent Central Railroad Co., of New Jersey were given classified repairs by the Baldwin Locomotive Works and the American Locomotive Co. Upon investigation, it appears that the cost of the contract repairs was greatly in excess of the cost of similar work in respondent's own shops, and that, even though at the end of Federal control some assistance to respondent's shops may have been necessary or expedient as an emergency, the contract work was carried beyond the reasonable necessities and a large part of the excess expenditures could have been avoided; also, that those expenditures would at least have gone far to provide respondent with much-needed additional shop facilities.

Miles Lumber Co. v. *C., B. & Q. R. R. Co.*, 89 I. C. C. 761.

958. Refusal of Pine Bluff & Northern Railway Co., to provide transportation at Fletcher, Ark., for 11 carloads of lumber tendered during 1920 and 1921 for shipment to points in Illinois and Indiana found unlawful. Reparation awarded.

NOTE.—Volume 90 I. C. C. is confined exclusively to finance reports.

Haley-Hammond Co. v. *S. Ry. Co.*, 91 I. C. C. 1.

959. Charges collected on two carloads of tanning extract from Andrews, N. C., to Mariners Harbor, N. Y., found unreasonable. Reparation awarded.

Stetson, Cutler & Co. v. *N. Y., N. H. & H. R. R. Co.*, 91 I. C. C. 3.

960. Application of penalty charge on three carloads of lumber from Stockbridge, Mass., to Providence and Pawtucket, reforwarded to South Providence, R. I., found not illegal. Complaint dismissed.

United States Coal & Coke Co. v. *Director General*, 91 I. C. C. 6.

961. Rates on mine materials and supplies, chiefly cement and steel articles in carloads and less than carloads, shipped from the Pittsburgh, Pa., district to Lynch, Ky., between May, 1918, and August 1, 1919, found unreasonable to the extent that they exceeded the corresponding rates contemporaneously applicable from the same points of origin to Benham, Ky. Reparation awarded.

Barrett Co. v. *St. J. & L. C. R. R. Co.*, 91 I. C. C. 9.

962. Rates charged on roofing talc, in carloads, from Johnson, Vt., to Chicago, Ill., St. Louis, Mo., and Philadelphia, Pa., and from Rochester and Braintree, Vt., to Erie, Pa., found unreasonable. Reparation awarded.

General Fire Extiguisher Co. v. *Director General*, 91 I. C. C. 13.

963. Rate on coke, in carloads, from Everett (East Boston), Mass., to Auburn, R. I., found not unreasonable. Complaint dismissed.

Du Pont de Nemours & Co. v. *Director General*, 91 I. C. C. 15.

964. Rate on monochlorobenzol, in carloads, from Kingsport, Tenn., to Carneys Point, N. J., found unreasonable. Reparation awarded.

Rosenblatt & Sons v. *Director General*, 91 I. C. C. 18.

965. Any-quantity rate on cotton denims from Little Rock, Ark., to Beloit, Wis., found unreasonable to the extent that it exceeded the aggregate of the intermediate rates contemporaneously in effect. Reparation awarded.

Minn. Co-operative Creameries Asso. v. *C., M. & St. P. Ry. Co.*, 91 I. C. C. 21.

966. Defendants' charges, rules, and practices pertaining to the transportation of butter, in carloads, from Minnesota points to eastern destinations, when the cars are stopped in transit to finish loading, found not to have been or to be unreasonable. Complaint dismissed.

Pacific Tank & Pipe Co. v. *S. P. Co.*, 91 I. C. C. 24.

967. Rate on lumber and lumber products, in carloads, from Oakland, Calif., to Cactus, Ariz., from October 10, 1920, to May 4, 1921, found unreasonable. Reparation awarded.

Standard Furniture Co. v. *N., C. & St. L. Ry.*, 91 I. C. C. 27.

968. Rates on bedroom furniture, in carloads and less than carloads, from Nashville, Tenn., to eastern and Virginia cities found not unreasonable but unduly prejudicial. Undue prejudice ordered removed.

969. Fourth-section relief denied.

Calumet Fertilizer Co. v. *L. & N. R. R. Co.*, 91 I. C. C. 31.

970. Rate on phosphate rock, in carloads, from Mount Pleasant, Columbia, and Siglo, Tenn., to New Albany, Ind., found unreasonable and unduly prejudicial. Reparation awarded.

Prairie Oil & Gas Co. v. *A., T. & S. F. Ry. Co.*, 91 I. C. C. 37.

971. Rates on carload shipments of iron pipe and other oil-well supplies from Pittsburgh, Pa., and other points to Drumright and Oilton, Okla., found to have been unreasonable to the extent that they exceeded the contemporaneous rates to Cushing, Okla., the junction point between the main line and the branch line on which Drumright and Oilton are situated.

Toberman, Mackey & Co. v. *C., B. & Q. R. R. Co.*, 91 I. C. C. 40.

972. Charges for placing carload shipments of hay and straw on track and holding for inspection at St. Louis, Mo., and East St. Louis, Ill., found not unreasonable or otherwise unlawful. Complaints dismissed.

Diamond Match Co. v. *Director General*, 91 I. C. C. 43.

973. Rate charged on lumber, in carloads, from Tiger, Ione, and Spokane, Wash., to Barberton, Ohio, found to have been illegal. Reparation awarded.

Cream of Wheat Co. v. *A., T. & S. F. Ry. Co.*, 91 I. C. C. 45.

974. Rates on cereal foods found applicable on Cream of Wheat, in carloads, from Minneapolis, Minn., to all points in Montana, Idaho, Washington, Oregon, and California, and not unreasonable or otherwise unlawful. Complaint dismissed.

Cooper Co. v. *C., B. & Q. R. R. Co.*, 91 I. C. C. 50.

975. Rates on grain, in carloads, from Humboldt, Nebr., to St. Louis, Mo., found not unreasonable or unduly prejudicial. Complaint dismissed.

Barrett Co. v. *B. & O. R. R. Co.*, 91 I. C. C. 53.

976. Rate on coal tar, in tank-car loads, from Fairmont, W. Va., to Everett (East Boston), Mass., found unreasonable. Reparation awarded.

Bisbee Linseed Co. v. *P. R. R. Co.*, 91 I. C. C. 55.

977. Rates on linseed oil, in carloads, from Philadelphia, Pa., to various points in territory subject to the official classification, found unreasonable. Reparation awarded.

Victor Milling Co. v. *M. P. R. R. Co.*, 91 I. C. C. 58.

978. Charges assessed on wheat, in carloads, from Kansas City, Mo., to Memphis, Tenn., Hot Springs, Ark., Deport, Tex., with transit accorded at Leavenworth, Kans., and Marshall, Mo., found applicable and not unreasonable or unjustly discriminatory. Similar shipment from Kansas City to Omaha, Nebr., with transit at Leavenworth and Marshall found to have been overcharged. Refund of overcharge directed and complaint dismissed.

Grasselli Chemical Co. v. *Director General*, 91 I. C. C. 61.

979. Shipments of soda ash, in carloads, from Saltville, Va., to Rensselaer, N. Y., found to have been misrouted. Rate over route over which they should have moved found unreasonable. Reparation awarded.

Russell-Heckle Seed Co. v. *Director General*, 91 I. C. C. 63.

980. Rate applicable on cotton seed, in carloads, from Memphis, Tenn., to Altheimer, Ark., during Federal control, found unreasonable. Reparation denied as no damage to complainants is shown.

American Lumber & Export Co. v. *C. of Ga. Ry. Co.*, 91 I. C. C. 65.

981. Demurrage charges collected on one carload of lumber held at Chattanooga, Tenn., found to have been inapplicable to the extent that they exceeded $2. Refund directed and complaint dismissed.

Newsom v. *M. & O. R. R. Co.*, 91 I. C. C. 68.

982. Rate charged on household goods, in carloads, from Murphysboro, Ill., to Lanexa, Va., found inapplicable. Applicable rate found not unreasonable. Refund of overcharges directed and complaint dismissed.

Johnson-Porter Clay Co. v. *C., B. & Q. R. R. Co.*, 91 I. C. C. 71.

983. Rate charged on two carloads of dump cars, from Clyde, Ill., to McKenzie, Tenn., found applicable and not unreasonable. Complaint dismissed.

Dallas Transfer Co. v. *S. P. Co.*, 91 I. C. C. 73.

984. Charges assessed on two carloads of automobiles from Dallas, Tex., to Los Angeles, Calif., and the applicable two-for-one rule, found unreasonable. Reparation awarded.

Armour & Co. v. *N. P. Ry. Co.*, 91 I. C. C. 75.

985. Rates on sugar, in carloads, from Seattle, Wash., to Chicago, Ill., Boston, Mass., and Landisville, N. J., in October and November, 1919, and May, 1920, found not unreasonable. Complaint dismissed.

Toberman, Mackey & Co. v. *T. R. R. Asso.*, 91 I. C. C. 79.

986. Defendants' charges for local movements of hay and straw between St. Louis, Mo., on the one hand, and East St. Louis, Ill., and adjacent points on the other, found not unreasonable or unduly prejudicial. Complaint dismissed.

Increased switching charges at Detroit, 91 I. C. C. 82.

987. Proposed switching charges at Detroit, Mich., found not justified, except as indicated. Suspended schedules ordered canceled without prejudice to the filing of schedules in conformity with the findings herein.

Rates and charges on grain and grain products, 91 I. C. C. 105.

988. The present record necessitates no change in the basis of approximate value for rate-making purposes in the western district adopted by the commission in 1920 and reviewed in 1922.

989. Whether or not expenditures for maintenance of equipment in 1923 were to some extent abnormal, the conclusion is not warranted that the earnings of carriers in the western district were in excess of a fair return.

990. Upon the record, and applying the usual tests, the general basis of rates of carriers subject to the interstate commerce act for the transportation of grain, grain products, and hay in interstate or foreign commerce does not appear to be unreasonable or otherwise in violation of the interstate commerce act.

991. Complaint in No. 14393 dismissed, and proceeding of investigation in No. 15263 discontinued.

Bancroft & Sons Co. v. *P. & R. Ry. Co.*, 91 I. C. C. 186.

992. Charges assailed on shipments of coal and coke to complainant's plant at Wilmington, Del., found illegal. Refund of overcharges directed.

993. Failure of the Philadelphia & Reading to include complainant's plant within the switching limits of Wilmington, Del., except as to shipments of coal and coke, and failure of the Baltimore & Ohio and the Pennsylvania to absorb the charges of the Philadelphia & Reading for transportation between complainant's plant and connections with the line-haul carriers except as to shipments of coal and coke, found not unreasonable, unjustly discriminatory, or unduly prejudicial.

994. Class rates applicable for the movement between complainant's plant and connections of the Philadelphia & Reading with line-haul carriers at Wilmington found unreasonable for use in constructing through interstate rates. Reasonable rates prescribed for the future, and reparation awarded.

Coal from the Crescent districts, 91 I. C. C. 194.

995. Upon further hearing as to certain of the fourth-section applications relied on, applicant carriers authorized to continue and to establish rates on coal from the Inner and Outer Crescent districts to Detroit, Mich., and points taking the same rates, lower than to Jackson, Mich., and other intermediate points taking the same rates. Former report, 80 I. C. C. 663.

Jackson Iron & Steel Co. v. *Director General*, 91 I. C. C. 201.

996. Upon rehearing, finding in the prior report herein, 77 I. C. C. 110, that the failure or refusal of defendants to perform, under their line-haul rates to and from Jackson, Ohio, the spotting service at complainant's plant at that point, or in lieu thereof to make complainant an allowance for its performance of the service, was not shown to have been or to be unreasonable, affirmed; but found that defendant's failure or refusal so to perform the service on interstate carload traffic, or else to make complainant an appropriate allowance for performing the service, while at the same time respectively performing such services at competing plants at Wellston, Lawrence, and Ironton, Ohio, on inbound and outbound interstate carload shipments of like commodities without charge therefor in addition to the line-haul rates, has been and for the future will be unduly prejudicial to complainant and unduly preferential of the competing plants. Undue prejudice and preference ordered removed, and reparation denied.

Josey-Miller Co. v. *B. R. R. & C. Co.*, 91 I. C. C. 213.

997. Rates on mixed feeds, in straight carloads and in mixed carloads with articles taking grain rates or the same rates as mixed feeds, from Beaumont and Orange, Tex., to destinations in Louisiana, found unreasonable. Maximum reasonable rates prescribed for the future. Reparation awarded. Original report, 87 I. C. C. 207, clarified and affirmed.

Estimated weights on horses and mules, 91 I. C. C. 215.

998. Proposed estimated weights on horses and mules in southern territory found justified. Order of suspension vacated and proceeding discontinued.

Slogo Coal Corp. v. *M. P. R. R. Co.*, 91 I. C. C. 217.

999. Findings of original report, 88 I. C. C. 111, corrected.

Lumber from Missouri points, 91 I. C. C. 218.

1000. Proposed rates on lumber from points in Missouri, Arkansas, Louisiana, Oklahoma, and Texas to Burlington and West Burlington, Iowa, found justified in part. Suspended schedules ordered canceled without prejudice to the publication of new schedules in conformity with the findings herein, and proceeding discontinued.

National Preservers & Fruit Products Asso., 91 I. C. C. 221.

1001. Reparation awarded on carload shipments of preserved fruits and berries shipped from points in California to destinations in central and eastern States to the basis of refrigeration rates found reasonable in the original report, 74 I. C. C., 179.

Western Paper Makers' Chemical Co. v. *Director General*, 91 I. C. C. 223.

1002. Rates on rosin, in carloads, from southern points of origin east of the Mississippi River to Kalamazoo and Grand Rapids, Mich., found not unreasonable or unjustly discriminatory. No damage shown to have resulted from any undue prejudice which may have existed. Complaint dismissed.

Pacific Guano & Fertilizer Co. v. *S. P. Co.*, 91 I. C. C. 228.

1003. Rates on animal manure, in carloads, from Perth and Lovelock, Nev., to various points in California found unreasonable. Reasonable rates prescribed for the future and reparation awarded.

Anderson, Clayton & Co. v. *Director General*, 91 I. C. C. 233.

1004. Shipments of cotton from Tryon and Carney, Okla., to Columbia, S. C., concentrated at Guthrie, Okla., found not overcharged. Claim for refund of alleged unreasonable charges barred. Complaint dismissed.

Wool rates Investigation, 1923, 91 I. C. C. 235.

1005. Authority denied transcontinental lines to establish or continue lower rates on wool and mohair from Pacific coast terminals and adjacent points than from intermediate points to eastern defined territories.

1006. Respondents' proposed rates found not justified.

1007. Present all-rail rates on wool and mohair in the grease, in carloads, from western territory of origin to north Atlantic ports found unjust and unreasonable. Reasonable basis of maximum joint rates prescribed. Fourth-section authorized from competitive points over circuitous routes to the extent indicated in the report.

1008. Westbound rates on wool and mohair in the grease, in carloads, to Pacific coast terminals found unreasonable, and reasonable basis of maximum rates prescribed for the future to apply either locally or on shipments destined beyond.

1009. Request of complainant in No. 13272 for joint rates and through bills of lading on wool and mohair from interior points via Pacific coast terminals and the Panama Canal to north Atlantic ports denied. Reparation denied.

1010. Failure of certain rail carriers to publish either stopping in transit to complete loading arrangements or special concentration rates to apply on shipments of wool and mohair both eastbound and westbound found unjust and unreasonable.

1011. Failure of rail carriers to accord transit at Boston, Mass., on wool and mohair originating in the West requiring out-of-line or back-haul movement found not unreasonable or otherwise unlawful.

1012. Failure of the Pennsylvania and Baltimore & Ohio Railroads to accord transit in the Philadelphia district on wool and mohair while contemporaneously maintaining transit on wool and mohair at other points on their lines found to be unduly prejudicial. Undue prejudice ordered removed.

1013. Desirability for wool-originating carriers to publish consolidated wool tariffs discussed.

1014. Request for transit at St. Louis, Mo., on shipments of wool and mohair from points on the Atchison, Topeka & Santa Fe and the Chicago, Milwaukee & St. Paul when destined to north Atlantic ports denied.

1015. Request of complainant in No. 13272 for through routes and joint rates on wool and mohair from points on the Atchison, Topeka & Santa Fe and other wool originating roads and their connections via the Canadian Pacific to Boston, Mass., denied.

Livestock to, from, and between points in the Southeast, 91 I. C. C. 292.

1016. Upon further hearing, found that the single-line rates authorized to be established on livestock, in carloads, to, from, and between points in the Southeast in the original report, 74 I. C. C. 419, should be applied over two or more lines under the same management and control.

1017. The Southern Railway system lines, the Atlanta & West Point Railroad and Western Railway of Alabama, and the Illinois Central and Yazoo & Mississippi Valley Railroads, respectively, found to be under the same management and control.

Absorption of switching charges at Portsmouth, Va., 91 I. C. C. 296.

1018. Proposed rules for application in connection with refining of vegetable oil in transit at Portsmouth, Va., which would require refiner to pay switching charges on outbound shipments, found not justified. Suspended schedules ordered canceled.

Jones & Laughlin Steel Co. v. *P. & L. E. R. R. Co.*, 91 I. C. C. 300.

1019. The Monongahela Connecting Railroad Company, South Buffalo Railway Company, Union Railroad Company, and Newburgh & South Shore Railway Company found to have been, at all times covered by the complaints, common carriers subject to the act to regulate commerce, lawfully entitled to receive from their respective trunk-line connections divisions of joint rates or absorptions of switching charges under appropriate tariff provisions, such divisions or absorptions to be reasonable.

1020. Reparation awarded to complainants and interveners in respect of interstate carload shipments made during the period from April 1, 1914, to April 14, 1915, both inclusive, on which complainants and interveners paid the charges of these industrial roads in addition to the district rates of their trunk-line connections.

Tank & Tower Council v. *A. & R. R. R. Co.*, 91 I. C. C. 309.

1021. Rates on wooden tanks, knocked down, in carloads, including metal parts not to exceed 20 per cent of the weight of the entire shipment, from Chicago and Batavia, Ill., Milwaukee, Wis., and Cincinnati, Ohio, found not unreasonable to points in western trunk-line territory but unreasonable to points in central and trunk-line territories. Reasonable basis of rates prescribed for the future.

1022. Transit arrangement providing for the manufacture and reshipment of wooden tanks at certain points on the Pacific coast found not unduly prejudicial to complainants.

Goldsboro Chamber of Commerce v. *A. C. L. R. R. Co.*, 91 I. C. C. 315.

1023. Certain shipments of fertilizer and fertilizer materials from Wilmington, N. C., to points in North Carolina found to be import traffic subject to jurisdiction of this commission; other shipments found to be intrastate traffic.

1024. Interstate rates on fertilizer and fertilizer materials from Wilmington, N. C., to points in North Carolina found unreasonable and unduly prejudicial. Reasonable and nonprejudicial rates prescribed for the future, and reparation awarded.

1025. Fourth-section relief granted to certain applicants.

Ozark Cooperage & Lumber Co. v. *A. & R. R. R. Co.*, 91 I. C. C. 329.

1026. Carload minimum weight on coiled elm hoops from Group E points to California terminals, as defined in Countiss's I. C. C. No. 1101 or reissues, found unreasonable. Reasonable minimum weight prescribed. Reparation denied.

American Box Board Co. v. *C. & N. W. Ry. Co.*, 91 I. C. C. 334.

1027. Applicable rates on silicate of soda, in tank cars, from Carrollville, Wis., to Grand Rapids, Mich., found not unreasonable or otherwise unlawful. Complaint dismissed.

Whitaker-Glessner Co. v. *C. & O. Ry. Co.*, 91 I. C. C. 339.

1028. Rates on bituminous coal, in carloads, from Kanawha district, Group 3, W. Va., to New Boston (Yorktown), Ohio, found unreasonable and unduly prejudicial. Reparation awarded.

Hebard Cypress Co. v. *A. & R. R. R. Co.*, 91 I. C. C. 343.

1029. Upon complaint attacking rates on cypress lumber and lumber articles, in carloads, from Waycross, Hebardville, and Hopkins, Ga., to destinations in Florida, South Carolina, North Carolina, Virginia, West Virginia, eastern trunk-line, New England, and central territories, found: (1) That certain features of this case are disposed of by *North Carolina Pine Assoc.* v. *A. C. L. R. R. Co.*, 85 I. C. C. 270; (2) that other rates assailed are not unreasonable and that defendants should be given an opportunity to voluntarily remove certain inconsistencies and maladjustments in connection with rates to the Carolinas and Florida; and (3) that fourth-section relief and reparation should be denied.

Douglas Chamber of Commerce v. *Director General*, 91 I. C. C. 354.

1030. Upon further hearing the findings made in the original report, 73 I. C. C. 292, supplemented by finding unreasonable for the period August 26, 1920, to October 20, 1922, inclusive, the rates on apples, in carloads, to Bisbee and Douglas, Ariz., from Yakima and Zillah, Wash., by way of Portland, Oreg., and from Nampa, Idaho, by way of Salt Lake City, Utah, the Los Angeles & Salt Lake Railroad, and Colton, Calif.

Heinz Co. v. *Director General*, 91 I. C. C. 358.

1031. Fourth-class rates on fresh tomatoes, in carloads, from points in the Silver Creek district in New York, to Pittsburgh, Pa., found unreasonable to the extent that they exceeded or may exceed rates equal to 80 per cent thereof, minimum 40,000 pounds. Reparation awarded.

Grain and grain products from Missouri River points, 91 I. C. C. 365.

1032. Proposed restriction of proportional rates on grain and grain products, in carloads, from Missouri River points to Cairo, Ill., for beyond, to traffic moving beyond Cairo "via rail lines," which would result in increased rates when the outbound movement is by water, found not justified. Suspended schedules ordered canceled.

Absorption of switching charges, 91 I. C. C. 369.

1033. Proposed cancellation of absorption of switching charges at North Kansas City, Mo., on carload traffic originating at or destined to certain non-competitive points on the Missouri Pacific found not justified. Suspended schedules ordered canceled without prejudice to the publication of schedules in conformity herewith.

Fain Grocery Co. v. *L. & N. R. R. Co.*, 91 I. C. C. 374.

1034. Rate on watermelons, in carloads, from Atlanta, Ga., to Murphy, N. C., found unreasonable. Reparation awarded and reasonable rate prescribed for the future.

Gilbert Co. v. *L. & N. R. R. Co.*, 91 I. C. C. 377.

1035. Former report, 88 I. C. C. 405, modified in respect to amount of reparation awarded.

Burroughs Adding Machine Co. v. *M. C. R. R. Co.*, 91 I. C. C. 378.

1036. Ratings and rates on adding machines, in boxes, in less than carloads, in western classification, found not unreasonable in the past, but unreasonable for the future to the extent that the rating, and rates based thereon, may exceed one and one-quarter times first class.

1037. Ratings and rates on adding machines, in boxes, in carloads, in official southern, and western classifications found not to have been or to be unreasonable.

Baker Steam Motor Car & Mfg. Co. v. *A., T. & S. F. Ry. Co.*, 91 I. C. C. 381.

1038. Less-than-carload rates and ratings on speedometers shipped from New Rochelle, N. Y., to Pueblo, Colo., on November 16, 1920, found unreasonable. Reparation awarded.

American Paper Products Co. v. *A., T. & S. F. Ry. Co.*, 91 I. C. C. 383.

1039. Rates on corrugated strawboard and fiber-board boxes, knocked down flat, and fillers, in straight or mixed carloads, from Carthage, Ind., to Sand Springs, Sapulpa, and Blackwell, Okla., found unreasonable. Reparation awarded, and reasonable rates prescribed.

General Petroleum Corp. v. *C., B. & Q. R. R. Co.*, 91 I. C. C. 388.

1040. Charges assessed for the return movement of privately owned tank cars after Federal control, which moved loaded during Federal control, found inapplicable.

Loading of less-than-carload freight on lighters, 91 I. C. C. 394.

1041. Proposed rule in respondents' tariff requiring shippers on the water front in Norfolk, Va., harbor to load less-than-carload freight for outbound movement on barges of respondents found not justified. Suspended schedules ordered canceled.

Construction and repair of railway equipment, 91 I. C. C. 399.

1042. In 1920 various respondent railway companies, named in the report, contracted for the repair of numbers of their locomotives in outside shops, or purchased locomotive parts, at costs found to have been materially in excess of the cost of similar work or production in the respondents' own shops, in some instances incurred because of a want of adequate facilities in their own shops which the excess expenditures would have supplied or gone far to supply.

Automatic train-control devices, 91 I. C. C. 426.

1043. Order entered on January 14, 1924, modified so as to suspend with respect only to certain named carriers the effective date of said order, until further order of the commission.

1044. Original report and order, 69 I. C. C. 258, modified so as to permit the use of the permissive or manual-control feature in connection with automatic train-stop devices.

Routing on paper from Michigan, 91 I. C. C. 452.

1045. Increased rates on printing or book paper, in carloads, from Kalamazoo, Plainwell, Otsego, and White Pidgeon, Mich., to Mount Morris, Ill., which would result from proposed routing restriction found not justified. Upon publication of a reasonable commodity rate to Mount Morris order of suspension to be vacated.

Routing from Southwest to East and New England, 91 I. C. C. 455.

1046. Proposed change in routing of traffic between Texas and southwestern territory and eastern and New England territories found justified. Order of suspension vacated.

Lumber from Northwest, 91 I. C. C. 457.

1047. Proposed rates on lumber and shingles, in carloads, from Pacific Northwest to Arona, Pa., found not justified. Suspended schedules ordered canceled.

Hudson Mule Co. v. *Director General*, 91 I. C. C. 459.

1048. Rates on horses and mules, in carloads, from points north of the Ohio and west of the Mississippi Rivers to Atlanta, Ga., and Birmingham and Montgomery, Ala., found unreasonable to the extent that they exceeded the aggregate of intermediate rates contemporaneously in effect. Reparation awarded.

Petroleum from Southwest, 91 I. C. C. 464.

1049. Proposed changes consisting of increases and reductions, in rates on petroleum and petroleum products, in carloads, from points in Missouri, Kansas, and Oklahoma to Mobile & Ohio stations in Illinois, found not justified. Suspended schedules ordered canceled without prejudice to respondents' right to file new schedules in conformity with the views herein expressed, and proceeding discontinued.

1050. Fourth-section relief denied.

Puget Sound & Cascade Ry. Co. v. *Director General*, 91 I. C. C. 467.

1051. The Puget Sound & Cascade Railway, situate in the State of Washington, found to be a common carrier of property, subject to the interstate commerce act, which may lawfully participate in joint rates with the defendant trunk lines and in divisions thereof. Question of divisions of the present joint rates referred to the parties for adjustment.

1052. Interstate rates on lumber and forest products, in carloads, from points on the Puget Sound & Cascade Railway to eastern destinations, higher than the contemporaneous coast-group rates to the same destinations, not shown to have been unreasonable.

1053. Adjustment of rates found unduly prejudicial to complainant Clear Lake Lumber Company and unduly preferential of competitors in same general

territory to the extent that, to points on the Great Northern Railway west of Minnesota Transfer, Minn., and on the Chicago, Milwaukee & St. Paul Railway west of Mobridge, S. Dak., the rates from complainant's mill exceeded the coast-group rates contemporaneously maintained by defendants on like traffic to the same destinations from points in Washington and Oregon on their own branch lines, on their proprietary branch lines, or on their independent short-line connections. Reparation awarded.

Compression, Concentration, and Storage of Cotton, 91 I. C. C. 472.

1054. Proposed and existing rules and regulations of the St. Louis-San Francisco governing concentration and compression of cotton at Jonesboro, Ark., and at Hayti, Steele, Caruthersville, and Malden, Mo., found unduly prejudicial to those points and unduly preferential of Blytheville and West Memphis, Ark., and Memphis, Tenn.

1055. Proposed rules and regulations of the St. Louis-San Francisco governing storage in transit of compressed cotton and charges thereon, at East St. Louis, Ill., and West Memphis and Jonesboro, Ark., found not unreasonable or otherwise unlawful.

Power Brakes and Appliances for Operating, 91 I. C. C. 841.

1056. Improvements in the operation and maintenance of power brakes for passenger and freight cars found to be necessary.

1057. Better control by the engineman over service and emergency applications of brakes should be provided.

1058. A power-brake system should provide means whereby effective emergency brake application may be obtained immediately following a full-service brake application and also immediately following a release after a full-service brake application.

1059. A power-brake system should provide means whereby the engineman may control the release of the brakes by graduated steps or gradually.

1060. A power-brake system should provide for obtaining and maintaining brake-cylinder pressures within prescribed limits for specified periods of time during brake applications.

1061. In addition to the general requirements it is found that full specifications and requirements covering the functions, maintenance, and operation of power brakes and appliances should be adopted. Case held open to give consideration to this and to the form of order to be issued.

Cotton Batting in W. T. L. Territory, 91 I. C. C. 535.

1062. Proposed increased carload minima on cotton batting between points in western trunk-line territory found justified in part and not justified in part. Suspended schedules ordered canceled and proceeding discontinued.

Tariffs Embracing Motor-Truck or Wagon Transfer Service, 91 I. C. C. 539.

Upon investigation into and concerning the legality of tariffs purporting to embrace or cover motor-truck or wagon transfer service in connection with transportation by rail or water: *Found*, That—

1063. Tariffs covering truck or wagon transfer service, when performed as a terminal service of a common carrier subject to the provisions of the act, or in connection with transfer of freight in transit at an intermediate point by such common carriers, are not unlawful.

1064. Tariffs covering truck services for movements commonly designated as line hauls, when operated as an extension of the line of and as part of a through movement in connection with a carrier subject to the act, are not in accord with section 6 and our tariff regulations, and must be corrected to comply with directions given herein.

Stoves, Ranges, and Furnaces from Michigan Points, 91 I. C. C. 554.

1065. Proposed cancellation of commodity rates on stoves, ranges, gas water-heaters, and furnaces, in carloads, from Detroit, Mich., and certain intermediate points to Chicago, Ill., Milwaukee, Wis., and St. Louis, Mo., and to upper Mississippi River crossings, found justified in part. Suspended schedules ordered canceled without prejudice to the filing of schedules in conformity with our findings herein.

Warren Bros. Co. v. *Director General*, 91 I. C. C. 559.

1066. Rate on sand, in carloads, from Nicholas, N. Y., to Athens, Pa., found to have been unreasonable. Reparation awarded.

Johnson v. *C., M. & St. P. Ry. Co.*, 91 I. C. C. 561.

1067. Carload of coal shipped from Jewell, Va., to Minneapolis, Minn., found to have been misrouted. Reparation awarded.

Refinite Co. v. *Director General*, 91 I. C. C. 563.

1068. One carload of crude oil shipped from Lander, Wyo., to Ardmore, S. Dak., during Federal control found to have been misrouted. Reparation awarded.

Griess-Pfleger Tanning Co. v. *C. R. R. Co. of N. J.*, 91 I. C. C. 566.

1069. Rates on bichromate of potash, in carloads, from Jersey City, N. J., to Waukegan and Chicago, Ill., found not unreasonable. Complaints dismissed.

Scrap paper between Chicago, and Joliet, 91 I. C. C. 569.

1070. Proposed increased rate on scrap paper, in carloads, via Gary, Ind., between Chicago and Joliet, Ill., and intermediate points found justified. Order of suspension vacated and proceeding discontinued.

Midland Coal Co. v. *M. V. R. R. Co.*, 91 I. C. C. 571.

1071. Reasonable components determined of combination rates on coal, in carloads, from Williams, Okla., to Kansas City, Mo., found unreasonable in original report, 66 I. C. C. 588.

1072. Aggregate amount of reparation found due from all defendants in report on reconsideration. 80 I. C. C. 267, apportioned among the carriers participating in the transportation, and reparation awarded against the Midland Valley Railroad Company and the St. Louis-San Francisco Railway Company for their respective portions.

1073. Defendants found not liable for damages resulting from unreasonableness found in the component of the Missouri, Oklahoma & Gulf Railway Company.

Omaha Refining Co. v. *Director General*, 91 I. C. C. 575.

1074. Charges collected on shipments of crude oil from Lawton and Walters, Okla., to Omaha, Nebr., found unreasonable. Reparation awarded.

Rosiclare Lead & Fluorspar Mining Co. v. *M. & O. R. R. Co.*, 91 I. C. C. 577.

1075. Import rates on fluorspar, in carloads, from Mobile, Ala., and Pensacola, Fla., to East St. Louis, Ill., found not unreasonable, unduly prejudicial, or otherwise unlawful. Complaint dismissed.

Parkersburg Rig & Reel Co. v. *M. V. R. R. Co.*, 91 I. C. C. 583.

1076. Applicable rate determined on one carload of rig irons shipped from Pawhuska, Okla., to Haynesville, La., and found unreasonable and in violation of the long-and-short-haul provision of the fourth section of the interstate commerce act. Reasonable rate prescribed and reparation awarded.

Lynchburg Chamber of Commerce v. *W. C. & St. L. Ry.*, 91 I. C. C. 586.

1077. Rate charged on a carload shipment of hubs, in the white, from Tullahoma, Tenn., to South Clarksville, Va., found to have been unreasonable to the extent that it exceeded the combination rates contemporaneously in effect over the route of movement. Reparation awarded.

1078. Rate charged on a less-than-carload shipment of spokes from Sparta, Tenn., to South Clarksville, Va., found inapplicable. Applicable rate found not unreasonable. Reparation awarded.

San Antonio Paper Co. v. *C. & A. R. R. Co.*, 91 I. C. C. 589.

1079. Rate to San Antonio, Tex., on printing paper, in carloads, from Hamilton, Ohio, and on strawboard, in carloads, from Peoria, Ill., found unreasonable and unduly prejudicial. Reparation awarded.

Boots and Shoes from New York Points, 91 I. C. C. 591.

1080. Proposed increased rates on boots and shoes from various New York points to trunk-line and New England territories found not justified. Suspended schedules ordered canceled.

Stanfield v. *O.-W. R. R. & N. Co.*, 91 I. C. C. 598.

1081. Carload minima on sheep, lambs, goats, and kids, in double-deck cars, in western classification territory are so directly and intimately related to the rates per 100 pounds that the propriety of the minima can not be determined without considering the measure of the rates.

1082. Such minima, considered in connection with the rates per 100 pounds, found not unreasonable or otherwise unlawful. Complaints dismissed.

Rosser & Fitch v. *A. C. L. R. R. Co.*, 91 I. C. C. 611.

1083. The commission is without jurisdiction to prescribe rules and regulations governing the settlement of loss and damage claims or the measure of damages applicable thereto.

Proximity Mfg. Co. v. *Director General*, 91 I. C. C. 612.

1084. Rate charged during Federal control on Epsom salts, in carloads, from Atlanta, Ga., to Greensboro, N. C., found not unreasonable or otherwise unlawful. Complaint dismissed.

National Hay Asso. v. *A. & R. R. R. Co.*, 91 I. C. C. 615.

1085. Rules and regulations governing reconsignment of carload shipments of hay and straw after delivery on private tracks or sidings found not unreasonable or unduly prejudicial in providing for collection of the published rates to and from the point of reconsignment, but found unreasonable in providing for collection of a reconsignment charge in addition to such rates. Discontinuance of such reconsignment charge required.

Lee Mercantile Co. v. *Director General*, 91 I. C. C. 618.

1086. Ocean-and-rail rates on cotton piece goods in less-than-carload lots from New York, N. Y., and Boston, Mass., rate points to Kansas City, Mo., via Memphis, Tenn., found unreasonable to the extent that they exceeded the aggregate of the intermediate rates. Reparation awarded.

Barber Co. v. *A. & V. Ry. Co.*, 91 I. C. C. 621.

1087. Rates on crude, fuel, and gas oils from points of origin in Kansas, Oklahoma, Texas, and Louisiana to Minneapolis, Minn., found to have been unreasonable. Reparation awarded.

Canned goods and iron and steel articles from Gulf ports, 91 I. C. C. 623.

1088. Proposed increased proportional rates on canned goods and iron and steel articles, in carloads, from Gulf ports to points on and north of the Ohio River, applicable on traffic from the Pacific coast through the Panama Canal, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Rates on coal and cement, 91 I. C. C. 627.

1089. Authority granted carriers to charge rates on coal and continue rates on cement from Duluth, Minn., and Superior, Wis., to International Falls, Minn., and Fort Frances, Ontario, lower than the rates contemporaneously applicable to intermediate points.

Grain from W. T. L. points to Texas, 91 I. C. C. 632.

1090. Proposed proportional rates from Omaha, Minneapolis, Chicago, and other markets, and proposed through rates from stations in Iowa, Illinois, Missouri, South Dakota, and Minnesota on grain and grain products, in carloads, found not justified and ordered canceled.

1091. Proposed restrictions in routing south of Kansas City found justified.

Carbide of calcium from southern points, 91 I. C. C. 649.

1092. Proposed withdrawal of certain southern carriers from participation in joint rates on carbide of calcium, in carloads, from Sault Ste. Marie, Mich., to various southern destinations, and the cancellation of certain of these rates, found justified. Order of suspension vacated and proceeding discontinued.

Hollingshead Co. v. *M., K. & T. Ry. Co.*, 91 I. C. C. 654.

1093. Rates on slack barrels from St. Joseph, Mo., to points in Oklahoma found not unreasonable, unduly prejudicial, or otherwise unlawful. Complaint dismissed.

Hollingshead Co. v. *N. Y. C. R. R. Co.*, 91 I. C. 657.

1094. Upon further consideration, so-called reconsignment charges applicable on two carloads of cooperage stock from Pelham, Ala., to Solvay, N. Y., reshipped to Syracuse, N. Y., found unreasonable. Waiver of undercharges authorized. Original report, 73 I. C. C. 640, modified.

Weston Dodson & Co. v. *N. Y., O. & W. Ry. Co.*, 91 I. C. C. 659.

1095. Rate charged on bird's-eye anthracite coal, in carloads, from Winton, Pa., to North Adams, Mass., found unreasonable. Reparation awarded.

American Linseed Co., v. *E. R. R. Co.*, 91 I. C. C. 663.

1096. Rate on flaxseed, in carloads, from New York Harbor points to Buffalo, N. Y., found unreasonable. Reparation awarded, and reasonable rates prescribed for the future.

Grain and grain products, 91 I. C. C. 666.

1097. Proposed readjustment of rates on grain and grain products, in carloads (*a*) from points in southeastern Missouri to Memphis, Tenn., New Orleans, La., and other points in the Mississippi Valley and (*b*) between points in southeastern Missouri and St. Louis, Mo., Cairo, Ill., and related points, found justified, except as indicated. Suspended schedules ordered canceled without prejudice to filing other schedules in conformity with the views herein expressed.

1098. Fourth-section relief denied.

Continental Sugar Co. v. *N. Y. C. R. R. Co.*, 91 I. C. C. 677.

1099. Rates on sugar beets, in carloads, between points in Ohio and Michigan found unreasonable and unduly prejudicial to interstate shippers and unjustly discriminatory against interstate commerce. Scale prescribed which will remove such preference, prejudice, and discrimination.

Page & Jones v. *S. Ry. Co.*, 91 I. C. C. 684.

1100. Rule governing free time on freight consigned locally to Mobile, Ala., for transshipment to vessels for coastwise movement, found unreasonable prior to March 5, 1921. Collection of undercharges waived. Complaint dismissed.

Standard time zone investigation, 91 I. C. C. 686.

1101. Previous orders defining limits of United States standard Eastern and Central time zones modified so as to include the cities of Findlay, Kenton, and Marysville, Ohio, and a portion of that State north of Columbus within the first or Eastern time zone.

Los Angeles Soap Co. v. *Director General*, 91 I. C. C. 691.

1102. Rate charged on various tank-car loads of cottonseed oil from Los Angeles, Calif., to San Francisco and South San Francisco, Calif., during Federal control, found unreasonable. Reparation awarded.

Sloan & Zook Co. v. *M. V. R. R. Co.*, 91 I. C. C. 693.

1103. Shipments of gasoline in tank-car loads from Big Heart, Okla., to West Eldred, Pa., found to have been overcharged. Reparation awarded.

Durant Motor Co. v. *American Ry. Express Co.*, 91 I. C. C. 695.

1104. Express rates on wooden automobile bows, in bundles, in less than carloads, from Lancaster, Pa., and Metropolis, Ill., to Lansing, Mich., found unreasonable. Reparation awarded.

Package Sales Corp. v. *U. P. R. R. Co.*, 91 I. C. C. 697.

1105. Rates on fruit, vegetables and grape packages, in carloads, from Burlington, Iowa, St. Louis, Mo., and Marshall and Rusk, Tex., to destinations on the Oregon Short Line Railroad in Idaho and eastern Oregon, found unreasonable. Reparation awarded and reasonable rates prescribed.

Petertyl v. *N. Y., N. H. & H. R. R. Co.*, 91 I. C. C. 699.

1106. One carload of locust lumber, shipped February 4, 1921, from Wilson Point, Conn., to Traverse City, Mich., found not to have been misrouted. Nineteen subsequent shipments to the same destination found to have been misrouted. Reparation awarded.

Gunderson v. *C., M. & St. P. Ry. Co.*, 91 I. C. C. 702.

1107. Complaint praying for the issuance of an order under paragraph (21) of section 1 of the interstate commerce act requiring the Chicago, Milwaukee & St. Paul Railway Company to extend its line from Platte, S. Dak., to Bijou Hills, S. Dak.: *Held*, That the proposed extension is not reasonably required in the interest of public convenience and necessity. Complaint dismissed.

Refrigeration Charges to Interstate Destinations, 91 I. C. C. 707.

1108. Proposed increased refrigeration charges on fruits and vegetables, in carloads, from points on the Western Maryland in Maryland, Pennsylvania, and West Virginia to destinations in other States throughout the country, and in Canada, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Cotton and cotton linters from southwest, via rail and water to eastern points, 91 I. C. C. 717.

1109. Proposed cancellation by the International-Great Northern Railroad Company of rates on cotton and cotton linters from the Southwest, rail and water, via the port of New Orleans, La., found not justified. Suspended schedules ordered canceled.

Empire Gypsum Co. v. *B., R. & P. Ry. Co.*, 91 I. C. C. 719.

1110. Complaint attacking defendant's rule governing the distribution of box cars for the loading of gypsum products at Garbutt and Wheatland, N. Y., during November, 1922, dismissed as moot.

Rand & Co. v. *L. & N. W. R. R. Co.*, 91 I. C. C. 723.

1111. Reparation awarded on account of misrouting three shipments of cotton, in carloads, from Magnolia, Ark., to Louisville, Ky.

Tide Water Oil Co. v. *E. J. R. R. & T. Co.*, 91 I. C. C. 725.

1112. Defendant's lighterage rates on petroleum and its products from Bayonne, N. J., to interstate points in New York Harbor, found unreasonable during a portion of the period in question. Reparation awarded.

Tamms Silica Co. v. *M. & O. R. R. Co.*, 91 I. C. C. 728.

1113. Rate on burnt shale, in carloads, from Nashville, Tenn., to Tamms, Ill., found unreasonable. Reparation awarded.

Glazed sash to trunk line and New England territories, 91 I. C. C. 731.

1114. Proposed restriction of commodity rates on sash, in mixed carloads, with common unglazed doors and millwork, from certain points in Iowa, Illinois, and Wisconsin to trunk-line and New England territories, so as not to apply on common glazed sash, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Petroleum and Its Products, 91 I. C. C. 734.

1115. Proposed increased interstate rates on petroleum and its products, in carloads, from Pueblo and Walsenburg, Colo., to destinations on the Denver & Rio Grande Western found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Ridenour-Baker Grocery Co. v. *M. P. R. R. Co.*, 91 I. C. C. 739.

1116. Class rates found applicable on less-than-carload shipments of canned goods from Kansas City, Mo., to destinations in Kansas. Complaint dismissed.

Keystone Steel & Wire Co. v. *Director General*, 91 I. C. C. 741.

1117. Rates assessed on pig iron, in carloads, from South Chicago, Ill., to Acme (Peoria), Ill., during Federal control found unreasonable. Reparation awarded.

Status of Hannibal Connecting R. R. Co., 91 I. C. C. 744.

1118. The Hannibal Connecting Railroad Company found to have been and to be a common carrier engaged in interstate commerce and subject to the provisions of section 15a of the interstate commerce act.

Peck Stow & Wilcox Co. v. *N. Y., N. H. & H. R. R. Co.*, 91 I. C. C. 747.

1119. Second-class rating in official classification on tinners' snips or shears, any quantity, found not unreasonable or unduly prejudicial. Complaint dismissed.

Ouachita Cotton Oil Co. v. *M. P. R. R. Co.*, 91 I. C. C. 750.

1120. Rate charged on 13 carloads of acid phosphate from New Orleans and Gretna, La., to Camden, Ark., found unreasonable. Reparation awarded.

Illinois Fire-proof Construction Co. v. *Director General*, 91 I. C. C. 753.

1121. Rate on hollow building tile, in carloads, from Kankakee to Chicago, Ill., shipped between December, 1918, and June, 1919, inclusive, found not unreasonable. Complaint dismissed.

Chicago Fire Brick Co. v. *Director General*, 91 I. C. C. 755.

1122. Rates on sewer pipe, in carloads, from Brazil, Ind., to Manitowoc and Sheboygan, Wis., and Menominee, Mich., during 1919 found unreasonable. Reparation denied.

Macbeth-Evans Glass Co. v. *B. & O. R. R. Co.*, 91 I. C. C. 758.

1123. Rates on glass sand, in carloads, from Berkeley Springs, W. Va., to Charleroi, Pa., found to have been unreasonable and unduly prejudicial. Reparation awarded.

Turner Sheet Metal Co. v. *C., R. I. & P. Ry. Co.*, 91 I. C. C. 763.

1124. Rate charged on three carloads of roofing paper from Madison, Ill., to Oklahoma City, Okla., found unreasonable. Reparation awarded.

Cairo Cotton Oil Mill v. *I. C. R. R. Co.*, 91 I. C. C. 765.

1125. Rates on cottonseed, in carloads, from points in western Kentucky and Tennessee to Cairo, Ill., found not unreasonable or unduly prejudicial. Complaint dismissed.

Lancaster Steel Products Corp. v. *Director General*, 92 I. C. C. 1.

1126. Upon further hearing, reparation awarded on carload shipments of wire rods from Canton and Youngstown, Ohio, to Lancaster, Pa., and band steel from Lancaster to Harrison, N. J., made subsequent to April 11, 1921, the date of the original hearing herein. Original report, 73 I. C. C. 567.

Wayne Coal Co. v. *Director General*, 92 I. C. C. 3.

1127. Allegations that complainant was discriminated against and the mines of the Pittsburgh Terminal Railroad & Coal Company preferred in the matter of car supply, and that the mines of complainant received a less number of cars than they were entitled to during the period from October 1, 1917, to March 22, 1918, not sustained. Complaint dismissed.

Cutler-Hammer Mfg. Co. v. *Director General*, 92 I. C. C. 9.

1128. Upon further consideration, reparation awarded on a shipment of asbestos refuse from Thetford Mines, Quebec, to Milwaukee, Wis., reversing, to that extent, the former report, 88 I. C. C. 600.

Bortz Co. v. *A. A. R. R. Co.*, 92 I. C. C. 11.

1129. Rates on pickled fish, salted fish, and pickled herring, in carloads, from Seattle and other Puget Sound points to eastern destinations found not unreasonable. Complaint dismissed.

National Coffee Co. v. *G., C. & S. F. Ry. Co.*, 92 I. C. C. 14.

1130. Rates on import or interstate shipments of green coffee, in carloads, from New York, N. Y., New Orleans, La., and Galveston and Houston, Tex., to Denison, Fort Worth, Dallas, and Waco, Tex., found unreasonable. Reparation awarded.

U. S. Farm Sales Co. v. *A., T. & S. F. Ry. Co.*, 92 I. C. C. 19.

1131. Official and western classification ratings on various harness and saddlery articles found not unreasonable or otherwise unlawful. Complaint dismissed.

Laona & Northern Ry. Co. v. *C. & N. W. Ry. Co.*, 92 I. C. C. 23.

1132. Maximum absorption by defendant on interstate shipments of $3 per car out of complainant's switching charge between Laona and Snyders, Wis., on such shipments found not inadequate or otherwise unreasonable. Complaint dismissed.

Holcombe & Sons v. *C. R. R. Co. of N. J.*, 92 I. C. C. 27.

1133. Rate on ice, in carloads, in refrigerator cars owned and furnished by complainant, from Tobyhanna, Pa., to Trenton, N. J., found not unreasonable. Complaint dismissed.

Inland Empire Paper Co. v. *C., M. & St. P. Ry. Co.*, 92 I. C. C. 29.

1134. Rates on pulp wood, in carloads, from points in Idaho to Millwood, Wash., found unreasonable. Reparation awarded.

Larrowe Milling Co. v. *A. A. R. R. Co.*, 92 I. C. C. 32.

1135. Failure of defendants to absorb the total switching charges of the Toledo Terminal Railroad at Toledo, Ohio, during the period March 1, 1920, to April 1, 1922, found unreasonable and through charges on grain, grain products, and feed stuffs, in carloads, originating at points west and southwest of Toledo, milled in transit at that point and the finished products forwarded to various eastern and southeastern destinations, found unreasonable accordingly to the extent that they included certain unabsorbed switching charges. Reparation awarded.

Transcontinental Oil Co. v. *M., K. & T. Ry.*, 92 I. C. C. 39.

1136. Rates on petroleum oils, in tank-car loads, from Hodge, Tex., to Boynton, Eram, Delaware, and Watova, Okla., found unreasonable. Reparation awarded.

Cleveland Sand & Gravel Co. v. *Director General*, 92 I. C. C. 45.

1137. Rate on sand, in carloads, from Thornburgh, Ohio, to Cleveland, Ohio, during Federal control, found not unreasonable but unduly prejudicial because of the director general's failure to include Thornburgh within the switching limits of Cleveland. Reparation denied for lack of proof of damage. Complaint dismissed.

Madden, Son & Co. v. *Director General*, 92 I. C. C. 48.

1138. Rates on metallic and woven-wire mattresses, in carloads, from Chicago, Ill., to Indianapolis and Evansville, Ind., Cincinnati, Ohio, and Louisville, Ky., found not unreasonable. Complaint dismissed.

Ash Grove Lime & Portland Cement Co. v. *M. P. R. R. Co.*, 92 I. C. C. 51.

1139. Rate charged on slack coal, in carloads, from Spadra, Ark., to Chanute, Kans., during October, November, and December, 1920, found unreasonable. Reparation awarded.

Leslie Bros. Lumber Co. v. *P. R. R. Co.*, 92 I. C. C. 55.

1140. Loss sustained by complainant in connection with the shipment of a carload of yellow-pine lumber sold by the carriers and the proceeds applied to the payment of accrued charges not shown to have resulted from any violation of the interstate commerce act. Complaint dismissed.

Empire Refineries v. *Director General*, 92 I. C. C. 59.

1141. Rate charged on one carload of lubricating oil, shipped January 18, 1920, from Okmulgee, Okla., to Cleveland, Ohio, found inapplicable. Reparation awarded.

Sauquoit Paper Co. v. *Director General*, 92 I. C. C. 61.

1142. Rates on toilet paper, in carloads, from Northumberland, N. H., to New Hartford and South Utica, N. Y., during Federal control found not unreasonable. Complaints dismissed.

Givens v. *Director General*, 92 I. C. C. 63.

1143. Upon complaint alleging overcharges to the extent of the difference between the through interstate rate collected and the lower combination on Shreveport, La., on certain carload shipments, of steel tank and tower materials which moved during Federal control from the Pittsburgh district in Pennsylvania to Shreveport and thence to Harmon and Emmett Spur, La.; *Found*, That the interstate character of the shipments terminated at Shreveport, and that their shipment from that point to Harmon and Emmett Spur constituted independent intrastate movements on which the intrastate rates applied. Reparation awarded.

Diamond Match Co. v. *Director General*, 92 I. C. C. 68.

1144. Rates charged on matches, in carloads, from Oswego, N. Y. to Philadelphia, Pa., found inapplicable. Reparation awarded.

1145. Rates charged on matches, in carloads, from Oswego, N. Y., to Charleston, S. C., Brunswick, Ga., and Jacksonville, Fla., found unreasonable. Reparation awarded.

Chevrolet Motor Co. v. *Director General*, 92 I. C. C. 73.

1146. Rates on automobile gear frames, without attachments, in carloads, from Detroit, Mich., to Oakland, Calif., found not unreasonable. Complaint dismissed.

El Paso Chamber of Commerce v. *A., T. & S. F. Ry. Co.*, 92 I. C. C. 75.

1147. Upon complaint assailing the combination rates applying by way of Pecos, Tex., on class traffic between El Paso, Tex., and various points in New Mexico, and on certain commodities from such New Mexico points to El Paso, *Held:* That the record justifies neither the establishment of joint rates nor a finding that the combination rates are unreasonable, unjustly discriminatory, or unduly prejudicial. Complaint dismissed.

Wedeles Tobacco Co. v. *Director General*, 92 I. C. C. 80.

1148. Rates on manure, in carloads, from Keyton, Ala., to Quincy and Mount Pleasant, Fla., during September, October, and November, 1918, found unreasonable but complainant found not to have shown its right to reparation. Complaint dismissed.

Ind. P. S. Commission v. *A. A. R. R. Co.*, 92 I. C. C. 83.

1149. Ratings on kitchen cabinets, in boxes, or crates, in less-than-carload lots, in the official and southern classifications, found not unreasonable or unduly prejudicial. Complaint dismissed.

Jackson Traffic Bureau v. *A. & V. Ry. Co.*, 92 I. C. C. 89.

Upon complaint that the local and proportional rates on petroleum and its products from El Dorado, Ark., to Vicksburg, Miss., and the through rates on these commodities from El Dorado to Jackson, Miss., are unreasonable, discriminatory, and unduly prejudicial, *found:*

1150. That the evidence does not justify an order requiring the Chicago, Rock Island & Pacific or the Missouri Pacific to join in proportional rates to Vicksburg on a basis that would result in short hauling these carriers.

1151. That the rates on petroleum and its products from El Dorado, Ark., to Vicksburg proper and to Jackson will be unreasonable for the future to the extent that they exceed the rates on these commodities contemporaneously in effect from Shreveport, La., to the same points.

Smythe Co. v. *C. S. S. Co.*, 92 I. C. C. 95.

1152. Rate charged on two less-than-carload shipments of pulp paper from West Point, Va., to Saugerties, N. Y., found not unreasonable and complainant not shown to have been damaged by reason of any undue preference which may have existed. Complaint dismissed.

Furniture from points in C. F. A. Territory, 92 I. C. C. 97.

1153. Cancellation of commodity rates and rates provided by exception to official classification on furniture, in carloads, from and to points in central territory, found not justified. Cancellation of less-than-carload rates found justified. Respondents required to cancel suspended schedules without prejudice to the establishment of rates not in conflict with the views expressed herein.

Rail-and-lake rates from New England, 92 I. C. C. 106.

1154. Proposed reductions in class and commodity rates from points on the Central Vermont Railway in New England to points in central and western trunk-line territories, applying via Depot Harbor, Ontario, and the boat line of the Canada Atlantic Transit Company, found not justified. Suspended schedules ordered canceled.

1155. Applicant carriers authorized to continue to maintain class and commodity rates from New York, N. Y., and points taking the same rates to points in central and western trunk-lines territories that are lower than from intermediate points on the Central Vermont Railway in New England.

Strawboard from Delphi and LaFayette, 92 I. C. C. 113.

1156. Proposed increases in proportional rates on strawboard, in carloads, from Delphi and LaFayette, Ind., to upper Mississippi River crossings found not justified. Suspended schedules ordered canceled, and proceeding discontinued.

Hutchinson Produce Co. v. *A., T. & S. F. Ry.*, 92 I. C. C. 11.

1157. Rates charged on potatoes, in carloads, from points in Montana to destinations in Kansas found applicable, except as to certain shipments. Adjustment of overcharge and undercharge directed. Complaint dismissed.

Team-track storage at Chicago, 92 I. C. C. 117.

1158. Proposed reduction of free time allowed in connection with team-track storage charges at Chicago, Ill., on cars held for reconsignment, diversion, or reshipment, or placed to complete loading or to partly unload, found justified. Order of suspension vacated.

Woven-wire cloth to Arkansas, 92 I. C. C. 120.

1159. Proposed cancellation of special commodity rates on woven-wire cloth, in carloads, from points in defined territories to points in Arkansas found justified in part. Suspended schedules ordered canceled without prejudice to the publication of rates in conformity with our finding.

Iron and steel articles from Philadelphia, 92 I. C. C. 123.

1160. Proposed increased rates on iron and steel articles, in carloads, from Philadelphia, Pa., to points in Delaware, Maryland, and Virginia found not justified. Suspended schedules ordered canceled.

Cotton from Meridian, 92 I. C. C. 125.

1161. Proposed schedules, stating new individual and joint rates and charges on cotton from Meridian, Miss., to Carolina territory, found justified.

Hay and straw to Mississippi River crossings, 92 I. C. C. 128.

1162. Cancellation of interstate commodity rates on hay and straw, in carloads, between points in Indiana, Illinois, and Ohio and from those points to Ohio River crossings found not justified. Suspended schedules ordered canceled.

Cement from Illinois and Missouri points, 92 I. C. C. 133.

1163. Proposed schedules, stating new individual and joint rates and charges on cement from Illinois and Missouri points to stations served by the Louisville, Henderson & St. Louis Railway, found justified. Order of suspension vacated.

Spelter from Arkansas, 92 I. C. C. 136.

1164. Proposed reduced rates on spelter, in carloads, from Fort Smith, South Fort Smith, and Van Buren, Ark., to Chicago and East St. Louis, Ill., St. Louis, Mo., and Milwaukee, Wis., found not justified. Suspended schedules ordered canceled.

Beets and carrots from Texas, 92 I. C. C. 141.

1165. Proposed changes in commodity description of beets, carrots, and parsnips, from Texas points to eastern destinations, found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Lumber and forest products, 92 I. C. C. 144.

1166. Proposed rates on lumber and forest products, in carloads, from Baltimore, Md., Philadelphia, Pa., Jersey City, N. J., New York, N. Y., and Poughkeepsie, N. Y., to destinations in Pennsylvania and New York, and proposed increased rates from Baltimore, Md., to New Jersey destinations, found not justified. Order of suspension vacated as to proposed reduced rates from Baltimore, Md., and Philadelphia, Pa., to destinations in northern New Jersey. Suspended schedules ordered canceled in all other respects. Proceedings discontinued.

1167. Fourth-section relief denied.

Fertilizer from New Orleans, 92 I. C. C. 151.

1168. Proposed increased interstate rates on fertilizer from New Orleans, La., and from related points, to Louisiana destinations found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Intermediate rule on lumber, 92 I. C. C. 153.

1169. Proposed modification of rules governing intermediate application of rates on lumber and articles taking the same rates from stations on the St. Louis-San Francisco, between St. Louis and Springfield, Mo., to points beyond the Missouri River cities found not justified. Suspended schedules ordered canceled and proceeding discontinued.

Lumber from Alabama and Mississippi, 92 I. C. C. 156.

1170. Proposed cancellation of joint commodity rates on lumber, in carloads, from stations on the Alabama Central Railway, the Alabama, Tennessee & Northern Railroad, the Birmingham, Selma & Mobile Railroad, and the Washington & Choctaw Railway to points on the Chesapeake & Ohio Railway and proposed cancellations of routing via the Mobile & Ohio Railroad in connection with joint rates on the same commodity from points on the Gulf, Mobile & Northern Railroad and Jackson & Eastern Railway, and proposal to restrict the routing in connection with joint rates on the same commodity from stations on the DeKalb & Western, the Mississippi & Alabama, the Mississippi Eastern, and the Mobile & Ohio to the same destinations, found not justified. Suspended schedules ordered canceled, and proceeding discontinued.

Transit privileges on grain, 92 I. C. C. 161.

1171. Proposed cancellation of transit privileges at points on the Missouri-Kansas-Texas Railroad of Texas on interstate shipments of grain originating on or moving via the Chicago, Rock Island & Pacific Railway and the Chicago, Rock Island & Gulf Railway, found not justified. Suspended schedules ordered canceled.

Combination rule on cotton and cotton linters, 92 I. C. C. 165.

1172. Proposed cancellation of combination rule in connection with rates from the South and Southwest to destinations generally in the North and East on cotton and cotton linters found not justified. Suspended schedules ordered canceled.

Absorption of switching charges, 92 I. C. C. 168.

1173. Proposed cancellation by the Louisville & Nashville Railroad Co. of unlimited absorption of switching charges of the Gulf & Ship Island Railroad Co. at Gulfport, Miss., on carload traffic when destined to New Orleans, La., found justified. Order of suspension vacated, and proceeding discontinued.

Atlas Portland Cement Co. v. *Director General*, 92 I. C. C. 171.

1174. Charges collected on 56 carloads of broken plaster molds from Chicago, Ill., to Hannibal, Mo., found not unreasonable. Complaints dismissed.

S. Dak. Board of Railroad Commissioners v. *C. & N. W. Ry. Co.*, 92 I. C. C. 174.

1175. Original report, 85 I. C. C. 217, modified in certain respects.

Sand and gravel from Missouri points, 92 I. C. C. 177.

1176. Proposed rates on sand and gravel, in carloads, from Jedburg, Mo., on the Missouri Pacific Railroad, to St. Louis, Mo., when for interstate points beyond, found justified. Order of suspension vacated, and proceeding discontinued.

Transit privileges on lumber, 92 I. C. C. 181.

1177. Proposed restriction of territory of origin in rules governing stop-off in transit of lumber westbound, in carloads, at Black Rock, Buffalo, and North Tonawanda, N. Y., found not justified. Suspended schedules ordered canceled.

Lake and rail rates to Eastern desitnations, 92 I. C. C. 183.

1178. Proposed withdrawal of respondents from participation in through joint lake-and-rail and rail-lake-and-rail rates to points on certain of their eastern connections, found justified, except as indicated. Suspended schedules ordered canceled without prejudice to the filing of schedules maintaining the routes herein found to be necessary and desirable in the public interest.

Classification Rating of Motor Vehicle Wheels, 92 I. C. C. 190.

1179. Proposed increased classification rating on motor-vehicle wheels, weighing each 200 pounds or over, in less than carloads, and proposed classification requirement that such wheels be boxed, crated, or wrapped for shiment in less than carloads, found not justified. Suspended schedules ordered canceled and proceding discontinued.

Inventories of Telegraph Companies, 84 I. C. C. 1.

1180. Where a railroad company contributed toward the construction of telegraph property under a contract which provided that the property when constructed should belong to and form a part of the general telegraph system of the telegraph company, and be used by both companies during a specifiee period of time, *Found*, That the contribution simply constituted a partial payment in advance on account of services to be performed and facilities to be furnished under the contract to the railroad company by the telegraph company during the life of the contract, and that no part of the property should be inventoried as owned and used by the railroad company.

Petition of National Conference on Valuation, 84 I. C. C. 9

1181. Petition of National Conference on Valuation of American Railroads asking recommittal to Bureau of Valuation of all valuation proceedings now pending denied.

1182. *Texas Midland Railroad*, 75 I. C. C. 1, followed with respect to construction of provisions of valuation act relating to original cost to date.

1183. Procedure of commission in ascertaining information with respect to aids, gifts, grants, and donations found to be in substantial compliance with valuation act.

1184. Analysis of method of arriving at final value found not to be required by law.

Florida East Coast Ry. Co., 84 I. C. C. 25.

1185. Protests of the Florida East Coast Ry. Co. and Atlantic & East Coast Terminal Co. against the tentative valuation of their properties considered and determined.

1186. Final value of the property of the Florida East Coast Railway Co. owned and used, found to be $46,200,000 as of June 30, 1916, and of that used, but not owned, $764,196, and of the property of the Atlantic & East Coast Terminal Co., owned but not used, $1,300,000.

Kansas City Southern Ry. Co., 84 I. C. C. 113.

1187. Protests of respondent carriers against the supplemental tentative valuation considered and determined.

1188. Analysis of methods in supplemental tentative valuation found sufficient.

1189. Commercial or economic value as a basis for determining the values of the carriers' property for rate-making purposes discussed.

1190. Capitalization of earning power past, present, and prospective found to be not a proper basis for determining the values of the carriers' property for rate-making purposes.

1191. Original report, 75 I. C. C. 223, sustained as to the finding that there were no other elements of value in connection with carriers' property.

1192. Motion for rehearing on specified matters involved in original tentative valuation made final in 75 I. C. C. 223, denied

1193. Final single-sum value of the property owned and used, and used but not owned, devoted by the Kansas City Southern system to common-carrier purposes ascertained and reported in the amount of $49,016,268 as of June 30, 1914, and found to be the value for rate-making purposes.

1194. Supplemental tentative valuation as corrected made final.

Texas Midland R. R., 84 I. C. C. 150.

1195. Protest of the Texas Midland Railroad against the supplemental tentative valuation of its property considered and determined.

1196. Final value for rate-making purposes of property owned and used by the Texas Midland Railroad found to be $3,080,000 as of June 30, 1914.

Ann Arbor R. R. Co., 84 I. C. C. 159.

1197. Protest of the Ann Arbor Railroad Co. against the tentative valuation of its property considered and determined

1198. Final value of the property of the Ann Arbor Railroad Co. owned and used for common-carrier purposes found to be $11,127,277 as of June 30, 1915.

1199. Final value of the property of the Menominee & St. Paul Railway Co. used by the Ann Arbor Railroad Co. for common-carrier purposes found to be $50,000 as of June 30, 1915.

1200. The final valuations found are valuations for rate-making purposes.

1201. Net increase of $1,878,812.89 in the original cost of the property owned and used by the carrier for property brought into operation from July 1, 1915, to December 31, 1922, reported by the carrier in compliance with valuation order No. 3. Carrier's reports have not been audited.

Danville & Western Ry. Co., 84 I. C. C. 227.

1202. Protest of the Danville & Western Railway Co. against the tentative valuation of its property considered and determined.

1203. Final value of the property of the Danville & Western Railway Co. owned and used for common-carrier purposes, as of June 30, 1915, found to be $1,913,000, and used but not owned, $54,093.

Southern Ry. Co. in Miss., 84 I. C. C. 253.

1204. Protest of the Southern Railway Co. in Mississippi against the tentative valuation of its property considered and determined.

1205. Final value of the property of the Southern Railway Co. in Mississippi, owned and used for common-carrier purposes, as of June 30, 1915, found to be $4,470,534, and used but not owned, $194,511.

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APPENDIX E

DIGEST OF FEDERAL COURT DECISIONS

DIGEST OF FEDERAL COURT DECISIONS

A discussion of court decisions involving injunctions to restrain enforcement of orders of this commission and of decisions relative to criminal violations of the law can be found in the text of this annual report. The decisions abstracted herein involve questions of railway regulations which are closely related to matters arising before commissions.

IN THE SUPREME COURT

LIMITATION OF LIABILITY IN BILL OF LADING

In *Amer. Ry. Express Co.* v. *Levee* (October 22, 1923), it was held that a stipulation for a limitation or liability in an interstate bill of lading is not affected by a rule of the State where the failure to deliver the property occurs, placing the burden on the carrier of showing that the loss was caused by accidental or uncontrollable events in order to secure the benefit of the exemption.

ACTION AGAINST DIRECTOR GENERAL

In *Davis* v. *Wechsler* (October 22, 1923), it was held that a general order, requiring suits against the director general to be brought in the county or district where the plaintiff resided at the time of the accrual of the action, or in the county or district where the cause of action arose, was valid, and that the transportation act, 1920, in no way invalidates a defense good when it was passed.

DESIGNATION OF DIRECTOR GENERAL "AS AGENT"

In *Du Pont* v. *Davis* (April 7, 1924), it was held that the fact that, in instituting an action to recover demurrage charges accruing during Federal operation of railroads, the director general designates himself "as agent" does not defeat his right to maintain the action, if the allegations of the complaint bring him within the provisions of the statute authorizing such actions by the Director General, since defendant could not have been prejudiced by the use of the descriptive words.

LIMITATION OF ACTIONS BROUGHT BY DIRECTOR GENERAL

In the last-named case, it was further held that the director general, representing the United States, is not within the provision of the interstate commerce act that all actions at law by carriers subject to the act, for the recovery of charges, shall be begun within a specified time.

In *Davis* v. *Corona Coal Co.* (May 26, 1924), it was held that the fact that an action to collect a claim due a railroad under Federal control is brought in a State court does not change the rule that immunity from the operation of the statute of limitations has not been waived by the Federal Government.

INTERSTATE COMMERCE

In *Binderup* v. *Pathe* (November 19, 1923), it was held that the manufacturing of moving picture films in one State and finding customers for them in another State constitutes interstate commerce.

In *Tex. T. & T. Co.* v. *New Orleans* (February 18, 1924), it was held that a State municipality can not impose a license tax upon an agent of a steamship engaged in interstate and foreign commerce, whose duty is to solicit business, issue bills of lading, collect freight, and generally look after loading and unloading, and payment of bills.

In *Raley* v. *Richardson* (February 18, 1924), it was held that brokers and commission men acting for intrastate persons are subject to local taxation, although they also act for persons residing in other States, and it is immaterial that the intrastate business is small in comparison to the interstate business.

DISCRIMINATORY RATES

In *U. S.* v. *I. C. R. R. Co.* (January 7, 1924), it was held that where a carrier which joins in the establishment of a through rate from points on its line which results in unjust discrimination to a shipper on its line because of lower rates from other points in the general territory was not a party to the establishment of such other rates does not deprive the commission of power to require it to cease the discrimination.

PREFERENTIAL RATE TO DEVELOP TRAFFIC

In the last-named case it was also held that where a preferential rate given by a carrier to points on its own line or connecting lines within a blanket territory is established for the purpose of developing traffic on its own lines, or of securing competitive traffic, that fact is not sufficient to show that a higher rate, established for points on a connecting line with which there is no competition, does not result in unjust discrimination against shippers by such line.

COMBINATION RATES

In the same case it was further held that where a through rate between points on a short railroad and destination is a combination of the local and trunk line rates, and not a joint rate, that fact does not prevent the commission from requiring the roads to cease exacting it, if it inflicts undue prejudice on shippers by the short line.

POWER OVER CAR SERVICE

In *Peoria & P. U. Ry. Co.* v. *U. S.* (January 7, 1924), it was held that the power conferred upon the commission to make emergency orders without hearing, with respect to car service, does not include authority to require a terminal company to switch with its own engines and over its own tracks cars bound to or from a particular road.

CONTRACT TO PROVIDE CARS

In *Davis* v. *Cornwell* (April 21, 1924), it was held that under the provision of the interstate commerce act that tariff provisions must be strictly adhered to, a contract by a railroad company to provide a shipper with cars for loading on a certain day is invalid.

RIGHT TO DISMANTLE ROAD

In *Tex. R. R. Com.* v. *E. T. R. R. Co.* (February 18, 1924), it was held that if it develops with reasonable certainty that future operation of a railroad must be at a loss, the company may discontinue operation and get what it can out of the property by dismantling the road.

COMPELLING RAILROAD TO OPERATE AT LOSS

In the last-named case it was also held that to compel a railroad company to continue to operate its road at a loss or give up the salvage value is an unconstitutional deprivation of property without due process of law.

POWER TO REQUIRE PROVISION OF FACILITIES

In the same case it was further held that so long as a railroad company continues to exercise the privileges conferred by its charter, the State may require it to provide reasonably safe and adequate facilities for serving the public, even though compliance be attended with some pecuniary disadvantages.

WHO MAY CHALLENGE ORDER OF COMMISSION

In *B. & O. R. R. Co.*, v. *U. S.* (March 3, 1924), it was held that a party to an order of the commission may institute suit to challenge the order under a provision of the Judicial Code.

PROVISION FOR PRESENTATION OF CLAIM

In *W. U. T. Co.* v. *Czikek* (March 10, 1924), it was held that a provision on a telegraph blank that the company will not be liable for negligence unless the claim is presented within 60 days after the message is filed for transmission does not apply literally to a case where, through the company's fault, the injured person does not know of the message until the 60 days have passed. It was further held in this case that the order of the commission in the *Unrepeated Message Case*, 61 I. C. C. 541, prescribing limitation of liability for negligence in transmission of messages, was not intended to be retroactive.

JURISDICTION OF A STATE COMMISSION

In *La. P. S. Com.* v. *M. L. & T. R. R. & S. S. Co.* (April 7, 1924), it was held that in the absence of clear and definite words the Federal courts will not, unless otherwise advised by the courts of the State, assume that the legislature, in conferring power upon a public commission to require the construction and maintenance of bridges to carry highways over railroads, intended to interfere with the authority of municipalities over their streets.

GREATER RATE FOR SHORT HAULS THAN FOR LONGER HAUL

In *Davis* v. *Portland Seed Co.* (April 7, 1924), it was held that the publication by a railroad company of a greater rate for a short haul than that published for a longer one over the same route, without the permission of the commission constitutes a violation of section 4 of the interstate commerce act, and prima facie subjects it to the penalties provided by that act. It was also held that the mere publication of a rate for a long haul does not wholly efface a higher intermediate one from the published schedule, and substitute for all purposes the lower one, without regard to the reasonableness or unreasonableness of either. It was further held that proof of financial loss is necessary to enable a shipper to recover damages under the fourth section.

AUTHORITY OF COMMISSION OVER UNION STATIONS

In *Calif. R. R. Com.* v. *S. P. Co.* (April 7, 1924), it was held that authority over the establishment by railroad companies of union stations in cities by a new construction involving extension of main lines and abandonment of main tracks and terminals is vested in the commission to the exclusion of State commissions by the transportation act, 1920.

CLASSIFICATION OF EXPRESS COMPANIES

In *S. E. Express Co.* v. *Miller* (April 21, 1924), it was held that an express company undertaking to do business on railroads, the classification of which has already been fixed by the legislature, can not question the validity of a privilege tax graded with respect to the classification of the various railroads, on the ground that it was not accorded a hearing as to such classification.

USE OF POWER BRAKES

In *N. Y. C. R. R. Co.* v. *U. S.* (April 28, 1924), it was held that the act of Congress and order of the commission with respect to the equipment of trains with power brakes should be liberally construed, to relieve trainmen of the labor and danger involved in the use of hand brakes to control the speed of trains, and to promote the safety of trains and of persons and property thereon.

UNFAIR TAX VALUATIONS OF RAILROADS

In *C., B. & Q. R. R. Co.* v. *Osborne* (April 28, 1924), it was held that provision for a writ of error to the Supreme Court to review the record of a board of equalization which is alleged to have assessed railroad property at full value while farm property is systematically and intentionally undervalued is not such an adequate remedy as to prevent the issuance of an injunction by a Federal court to restrain collection of a tax on the railroad property.

DEPRECIATION FROM NEW INVENTIONS

In *Pac. Gas & E. Co.* v. *San Francisco* (June 2, 1924), it was held that in ascertaining the value of a plant for ratemaking purposes the depreciation due to physical causes should be ascertained and stated as well as that following obsolescence resulting from the introduction of patented inventions.

REQUIRING OVERHEAD CROSSING

In *N. & W. Ry. Co.* v. *W. Va. P. S. Com.* (May 5, 1924), it was held that requiring a railroad company to provide a crossing over its tracks from a siding where it unloads freight, to accommodate its principal customer at that place, whose business is located on the opposite side of the track, and "other shippers," is not unreasonable and arbitrary.

TARIFF RATE CAN NOT BE CHANGED BY CONTRACT

In *L. & N. R. R. Co.* v. *Central I. & C. Co.* (May 5, 1924), it was held that a carrier can not reduce the amount legally payable for transportation of freight in an interstate shipment, or release the liability of the shipper, who has assumed an obligation to pay the charges: and no act or omission of a carrier, except in permitting the running of the statute of limitations, can estop or preclude it from enforcing payment of the full amount of the tariff rate.

WHEN SHIPPER NOT PRIMARILY LIABLE FOR FREIGHT CHARGES

In the last-named case, it was also held that one delivering freight to a carrier for transportation may be found not to be primarliy liable for freight charges where the bill of lading indicates that he was neither the owner nor the person on whose behalf the shipment was being made, but that the goods were either owned by, or the shipment was made on behalf of, a third person.

ATTACHMENT OF RAILROAD ROLLING STOCK

In *A., T. & S. F. Ry. Co.* v. *Wells* (May 12, 1924), it was held that where railroad rolling stock was used in interstate commerce, and where traffic balances due its owner by another road arose out of interstate transactions, they are not immune from seizure or attachment or garnishment in a proceeding against the owner.

FAILURE TO EXAMINE TICKET

In *M. P. R. R. Co.* v. *Prude* (May 12, 1924) it was held that one purchasing a ticket for transportation over several independent railroad systems can not avoid the effect of a provision therein that the seller acts only as agent, and is not responsible beyond its own line, by failure to examine the ticket, since acceptance and use of the ticket sufficiently establish a contract.

BOND TO SECURE RETURN OF EXCESS CHARGES

In *Newton* v. *Cons. Gas Co.* (May 12, 1924), it was held that the cost of a bond given by a public service corporation upon obtaining a decree increasing its rates, to secure return to patrons of excess charges in case of reversal on appeal, may be taxed as costs in a district where a usage to tax costs of that character prevails.

POWER TO REGULATE RATES

In *Opelika* v. *Opelika Sewer Co.* (May 26, 1924), it was held that charter authority to a municipal corporation to establish and build sewers and regulate the same does not include power to regulate rates for the use of sewers built by another.

In *St. Cloud Pub. Serv. Co.* v. *St. Cloud* (May 26, 1924), it was held that a State may authorize a municipal corporation to establish by an inviolable contract the rates to be charged by a public service corporation for a definite term, not grossly unreasonable in time, and the effect of such a contract is to suspend during its life the governmental power of fixing and regulating rates.

In *Missouri Ex Rel. Barrett* v. *Kans. Nat. Gas Co.* (May 26, 1924), it was held that the transportation of gas through pipe lines from one State to another, for sale to distributing companies, is interstate commerce, so that the State author-

ities have no control over the rates to be charged for it, and the fact that Congress has taken no action in the matter is immaterial.

In *Pacific T. & T. Co.* v. *Kuykendall* (May 26, 1924), it was held that the fact that a public service corporation has not exhausted its remedy before the State courts to revise a decision of the public service commission fixing its rates, does not prevent its resort to the Federal court to prevent enforcement of confiscatory rates.

ABANDONMENT OF STEAMSHIP ROUTE

In *Lucking* v. *D. C. N. Co.* (May 26, 1924), it was held that no duty is imposed on a carrier by water to continue operation of a particular route by the interstate commerce act.

CUMMINS AMENDMENT

In *Adams Exp. Co.* v. *Darden* (May 26, 1924), it was held that under the provision of the first Cummins amendment that the carrier shall be liable for the full actual loss, full liability is not affected by the fact that the freight rate is based on a valuation inserted in the bill of lading which is much less than the true value.

SPECIAL FREIGHT RATES FOR THE GOVERNMENT

In *I. C. R. R. Co.* v. *U. S.* (May 26, 1924), it was held that provisions in a contract for supplies for the Government that inspection shall be made at destination do not prevent the title from passing at point of shipment so as to permit the Government to receive the benefit of special freight rates to which it is entitled.

IN THE CIRCUIT COURTS OF APPEALS

INTERSTATE COMMERCE

In *Lyons* v. *Fed. Syst. Bakeries*, 290 Fed. 793 (April 23, 1923), the court for the seventh circuit held that where a Delaware corporation contracted to sell its articles to the buyers in Wisconsin, with right to inspect, to give certain exclusive rights, and receive payment of royalties, the transaction was one of interstate commerce.

In *U. S.* v. *C. W. & E. Ry. Co.*, 292 Fed. 916 (October 22, 1923), the court for the eighth circuit held that where an intrastate train followed an interstate train, and received some assistance from it in extracting itself from a blockade that fact did not impress the intrastate train with an interstate character.

In *Moore* v. *N. Y. Cot. Exch.*, 296 Fed. 61 (December 17, 1923), the court for the second circuit held that the contracts made on the New York Cotton Exchange are local in character and do not involve interstate commerce.

In *Fox Film Corp.* v. *Fed. Trade Comm.*, 296 Fed. 353 (January 7, 1924), the court for the second circuit held that a manufacturer of moving-picture films, shipping the films into several States to be sold, was engaged in interstate commerce.

In *Newark* v. *C. R. R. Co. of N. J.*, 297 Fed. 77 (February 29, 1924), the court for the third circuit held that the constitutional power of Congress to regulate interstate and foreign commerce is supreme and can not be rendered impotent by anything a State may do.

MEASURE OF DAMAGES FOR CONVERSION

In *Mallory S. S. Co.* v. *Mitchell*, 291 Fed., 53 (May 7, 1923), the court for the second circuit held that plaintiff in action for conversion, after their arrival at destination, of goods shipped from New York to a foreign country, may not at his election prove the value of the goods in New York as a basis for measuring his damages.

In *N. & W. Ry. Co.* v. *Ft. D. C. & E. Co.*, 292 Fed. 78 (July 3, 1923), the court for the fourth circuit held that the measure of damages for confiscation of coal by a carrier while in transit is its market value at the time when it was taken, and that the limitations of value in an ordinary bill of lading have no relation to loss due to conversion of the property by the carrier.

MISTAKE IN ADDRESS

In *Amer. Ry. Exp. Co.* v. *Ewing*, 292 Fed. 335 (October 4, 1923), the court for the third circuit held that where goods shipped by express were wrongly addressed it was the express company's duty to discover the mistake, make inquiry, ascertain consignee's correct address, and make delivery within reasonable time thereafter.

PRIOR ACTION BY COMMISSION

In *Davis* v. *Age-Herald*, 293 Fed. 591 (October 23, 1923), the court for the fifth circuit held that where the question involved is one of construction of the tariff of an interstate carrier, requiring determination of the peculiar meaning of words used therein which may be affected by usage, the preliminary determination must be by the commission, and until that determination is made a court is without jurisdiction of the controversy.

In *C., B. & Q. R. R. Co.* v. *Merriam*, 297 Fed. 1 (March 28, 1924), the court for the eighth circuit held that an action to recover the difference between the published rate and the reasonable rate can not be maintained until the commission fixes the right to reparation.

In *Davis* v. *Prairie P. L. Co.*, 298 Fed. 393 (April 7, 1924), the court for the eighth circuit held that the decision of the commission on questions properly before it are entitled to great weight, and as to questions of fact are conclusive.

TARIFF RATES

In *Amer. R. R. Co.* v. *South P. R. S. Co.*, 293 Fed. 670 (November 24, 1923), the court for the first circuit held that greasing charges for delivering and receiving cars at private side tracks, not included in any tariff filed, are illegal.

In *Davis* v. *Akron F. & M. Co.*, 296 Fed. 675 (March 6, 1924), the court for the sixth circuit held that the carrier's statement as to the amount of freight will not relieve the consignee from the payment of the tariff rate.

In *C., B. & Q. R. R. Co.* v. *Merriam*, cited above, it was held that the duly filed and published tariff rate, while it is in force, is the only lawful rate.

In *Davis* v. *Prairie P. L. Co.*, cited above, it was held that a rate which is the clearly established rate must govern, though unjust.

STORAGE CHARGES

In *Davis* v. *Adams*, 293 Fed. 890 (December 3, 1923), the court for the ninth circuit held that where a carrier, after the transportation has ended, stores the merchandise, not for the shipper, but by arrangement with the owner, it becomes bailee for the owner, who alone is responsible for the storage charges.

CONNECTING CARRIER AGENT OF INITIAL CARRIER

In *In re O'Gara Coal Co.*, 294 Fed. 89 (November 19, 1923), the court for the seventh circuit held that the original contract fixes the consignor's obligations for freight charges, which the connecting carrier can not change, as the connecting carrier is the agent of the initial carrier and its right to compensation is determined by the contract such initial carrier made with the shipper.

PROCEEDINGS BEFORE COMMISSION

In *L. & N. R. R. Co.* v. *Sloss-Sheffield S. & I. Co.*, 295 Fed. 53 (December 11, 1923), the court for the fifth circuit held that the validity of the action of the commission is not dependent on compliance with the procedural rules of pleading and practice which prevail in courts of law.

REPARATION

In the last-cited case it was further held that a petition by shippers complaining of unjust and unreasonable rates and praying for reparation is sufficient to give the commission jurisdiction to award reparation on shipments made after, as well as before, the filing of the petition.

In this case it was also held that under the terms of shipment the consignor may recover reparation on account of unreasonable rates, and that the carriers are jointly and severally liable for excessive joint rates.

In the *Merriam case*, cited above, it was further held than an action to recover the difference between the published rate and a reasonable rate can not be maintained until the commission fixes the right to reparation.

It was also held in the *Merriam case* that the report and opinion of the commission can not change an existing tariff rate, but than an *order* of the commission to that effect is necessary.

INTEREST AS PART OF DAMAGES

In the *Sloss-Sheffield case*, cited above, it was also held that it is permissible for the commission and the court to allow interest on the excess charges paid, from the date of their payment, as damages, and at a rate fixed by the commission and the court.

VALUATION OF PUBLIC UTILITY

In *Denver* v. *Stenger*, 295 Fed. 809 (January 14, 1924), the court for the eighth circuit held that the right to operate the only street-car system in a city of 250,000 people and to be exempt from taxation for doing so is reasonably worth $5,000 a month, in view of an agreement of the parties fixing the value at that amount.

CONSOLIDATION OF RAILROADS

In *Royal Palm Soap Co.* v. *S. A. L. Ry. Co.*, 296 Fed. 448 (January 15, 1924), the court for the fifth circuit held that the merger of a domestic railroad with a foreign railroad does not make the foreign corporation a citizen of the State, the distinction between "merger" and "consolidation" being that in the former one corporation loses its identity by absorption in the other, while in the latter both corporations go out of existence and a new one is created.

ERRONEOUS STATEMENT THAT PART OF FREIGHT RATE HAS BEEN PAID

In the *Akron case*, cited above, it was further held that a carrier which erroneously states that a part of the freight rate has been paid is estopped from demanding payment of that part.

SHORTAGE OF COAL CARS

In *Manbar Coal Co.* v. *Davis*, 297 Fed. 24 (March 10, 1924), the court for the fourth circuit held that when conditions in the coal trade are normal, the number of cars to which a miner or shipper is entitled is measured by his reasonable requests, based on his actual needs; but when an unavoidable shortage of coal cars occurs the carrier discharges its whole duty if it fairly distributes its available cars among its patrons.

FOREIGN SHIPMENT TRANSHIPPED AT NEW YORK

In *Vital* v. *Kerr*, 297 Fed. 959 (February 4, 1924), the court for the second circuit held that the Hepburn amendment does not affect the liability as between connecting carriers, where the shipment was from outside the United States to a foreign country, and simply involved a transshipment at New York, without any carriage of the goods from one State through another State of the United States.

STATE BELT RAILROAD HELD "COMMON CARRIER"

In *McCallum* v. *U. S.*, 298 Fed. 373 (May 26, 1924), the court for the ninth circuit held that the State Belt Railroad, traversing San Francisco harbor front and belonging to the State is a common carrier engaged in interstate commerce, where it served all carrier routes and moved freight in loaded cars for shipment of goods in interstate commerce, though it issued no bills of lading, receipts, or invoices, and simply rendered switching services at a certain rate per car.

COMMODITY RATES SUPERSEDES CLASS RATES

In the *Prairie case*, cited above, it was also held, following a decision of the commission, that, as between the commodity rates and class rates in an established tariff, the commodity rates governed as to certain shipments.

LIMITATION OF ACTIONS

In *Lazarus* v. *N. Y. C. R. R. Co.*, 299 Fed. 599 (April 28, 1924), the court for the second circuit held that where a railroad bill of lading for a single shipment required action for nondelivery to be brought within 2 years and 1 day after reasonable time for delivery had elapsed, an action brought 2 years and 40 days after part of the shipment had been delivered was held to be barred.

IN THE DISTRICT COURTS

VALUATION OF PUBLIC UTILITY

In *Mobile Gas Co.* v. *Patterson*, 290 Fed. 476 (June 4, 1923), the court for the Middle District of Alabama held that the valuation of the property of a gas company by a public service commission creates a contract with the State as to its value, but this does not exclude the commission, in making future rates, from taking into consideration any change in the value of the property due to deterioration, or to improvements, or extensions.

In *S. W. Bell Teleph. Co.* v. *Fort Smith*, 294 Fed. 103 (September 17, 1923), the court for the Western District of Arkansas held that the going value of a concern is a proper element in a rate case, but the method of value must not capitalize losses. In the valuation of property for rate purposes present prices should be considered. Until the commission acts on the amount reserved for depreciation, judgment of the company should be permitted to stand.

In *Colo. Power Co.* v. *Halderman*, 295 Fed. 178 (January 4, 1924), the court for the District of Colorado held that the fair value of a utility may be more than its cost; its value should be determined as of the time when the inquiry is made as to rates. To the same general effect, see *Streator Co.* v. *Smith*, 295 Fed. 385, decided at the June term, 1923, by the court for the Southern District of Illinois; and *Joplin Gas Co.* v. *Mo. P. S. Comm.*, 296 Fed. 271 (February 28, 1924), decided by the court for the western district of Missouri.

In *Swan* v. *Kans. P. U. Comm.*, 298 Fed. 114 (December 18, 1922), the court for the District of Kansas held that the order of the State commission fixing gas rates is void for failure to include findings as to valuation of property, reasonable rate of return, reasonable amount to be set aside for renewal and replacement, reserve fund, operating expenses, and to find that the prior rates were unreasonable.

In *Reno P. W. & L. Co.* v. *Nev. P. S. Comm.*, 298 Fed. 790 (June 4, 1923), the court for the District of Nevada held that reasonable value of public utility property should be gathered from a careful and comprehensive consideration and comparison of its original cost, cost of reproduction new, depreciation, additions, improvements, present and probable future revenues and expenses, market value of stocks and bonds, and any factor or circumstance which adds to or takes from its value.

In *Van Wert G. L. Co.* v. *Ohio P. U. Comm.*, 299 Fed. 670 (March 3, 1924), the court for the Southern District of Ohio held that while previous valuations may be considered for what they are worth in the making of a new valuation, the commission, in fixing a rate, must determine de novo the valuation of a company's property in each controversy.

TARIFF RATES

In *C. R. R. Co. of N. J.* v. *U. S. P. L. Co.*, 290 Fed. 983 (June 12, 1923), the court for the Eastern District of Pennsylvania held that a contract with a carrier, one provision of which required the carrier to transport shipments at less than the published rates, is illegal and void.

In *G., H. & S. A. Ry. Co.* v. *Lykes*, 294 Fed. 968 (August 24, 1923), the court for the Southern District of Texas held that the only lawful rate on an interstate shipment is the tariff rate and that parties to a shipment are not concluded by a settlement at a rate less than the tariff rate.

In the *Akron case*, cited above, it was also held that a carrier's statement as to the amount of freight charges will not relieve the consignee from the payment of the tariff rate.

In *St. P. & T. L. Co.* v. *N. P. Ry. Co.*, 296 Fed. 749 (February 5, 1924), the court for the Western District of Washington held that a contract by a carrier granting special rates to a shipper does not exempt it from subsequent legislation of a State.

INTERSTATE COMMERCE

In *Ohio Collieries Co.* v. *Stuart*, 290 Fed. 1005 (March 8, 1923), the court for the Northern District of Ohio held that the Ohio emergency act, providing for the retention within the State of all coal mined therein and its sale for domestic consumption at prices fixed by a fuel administrator, was unconstitutional, as an interference with interstate commerce.

In *United States* v. *Koenig*, 291 Fed. 385 (August 4, 1923), the court for the Eastern District of Michigan held that where the shipper ordered coal shipped to a hospital in its care for delivery on its side track, and the coal was so shipped, consigned, and delivered, and was accepted by the shipper on such side track, the interstate movement ended, and subsequent diversion to an automobile manufacturer in the same State was intrastate movement.

In *Smyth* v. *A. B. R. R. Co.*, 292 Fed. 876 (September 14, 1923), the court for the Western District of Texas held that the statutes of a State requiring all railroads wholly within the State to exchange traffic with all connecting lines do not make such roads subject to the transportation act, 1920, as to obtaining a certificate of public convenience and necessity.

In *Maverick Mills* v. *Davis*, 294 Fed. 404 (November 23, 1923), the court for the District of Massachusetts held that a State may regulate and condition in a reasonable way the right of interstate carriers to do business within its borders.

In *Liberty Highway Co.* v. *Mich. P. U. C.*, 294 Fed. 703 (December 11, 1923), the court for the Eastern District of Michigan held that the provisions of a State statute regulating common carriers by motor was invalid for various reasons, as imposing a burden on interstate commerce.

In *A., T. & S. F. Ry. Co.* v. *Collins*, 294 Fed. 742 (not dated), the court for the Northern District of California held that a State is not empowered to impose on railroads engaged in interstate commerce a tax so oppressive as to constitute a burden on interstate commerce.

In *Buck* v. *Kuykendall*, 295 Fed. 197 (January 7, 1924), the court for the Western District of Washington held that a common carrier for hire has no right to use a State highway, though doing an interstate business, and such use is a privilege which may be regulated by the State, in the absence of legislation by Congress.

In *United States* v. *W. & A. R. R.*, 297 Fed. 482 (April 10, 1924), the court for the Northern District of Georgia held that the regulation by Congress, properly made under the commerce clause of the Constitution, are comparable to the exercise of the police power by the States.

In *Weinard* v. *C., M. & St. P. Ry. Co.*, 298 Fed. 977 (March 8, 1924), the court for the District of Minnesota held that a statute making foreign railroad's ticket and freight agents its agents to receive service of process was held invalid, as an interference with interstate commerce.

In *United States* v. *Winkler*, 299 Fed. 832 (May 19, 1924), the court for the Western District of Texas held that the transportation of a stolen automobile between points in the same State through another State is interstate commerce.

SPECIAL RATE ON ROAD-BUILDING MATERIAL

In *Bush* v. *T. & P. Ry. Co.*, 290 Fed. 1008 (November 25, 1922), the court for the Western District of Louisiana upheld the right of a public service commission to establish a special rate for hauling road-building material.

BILL OF LADING

In *The Susquehanna*, 291 Fed. 698 (July 28, 1923), the court for the District of Maryland held that a provision of a through bill of lading by a railroad company for a shipment to a European port, that the property should be subject to all conditions expressed in the regular forms of bills of lading in use by the steamship company at the time of shipment, is valid and makes the provisions of such ocean bills of lading a part of the contract.

In *The Eldridge*, 295 Fed. 696 (February 11, 1924), the court for the Western District of Washington held that a bill of lading stipulation, limiting the time within which to present a claim and bring action, is valid, if reasonable.

INTEREST AS PART OF DAMAGES

In *Kaisha* v. *Davis*, 291 Fed. 882 (December 4, 1922), the court for the Southern District of New York held that the damages recoverable from a carrier under Federal control for nondelivery of goods shipped may reasonably include interest.

LOSS OF PAID FREIGHT BILL

In *Stern* v. *Davis*, 292 Fed. 221 (August 6, 1923), the court for the Southern District of New York held that where a consignee's agent loses the paid freight bill, production of which entitles the holder to the delivery of the goods, the carrier should not be charged with negligence in making wrong delivery, at least where it was not at once advised.

DEMURRAGE CHARGES

In *In Re Tidewater Coal Exch.*, 292 Fed. 225 (August 3, 1923), the court for the Southern District of New York held that though consignee is liable for demurrage charges regardless of knowledge of the amount thereof, an association of coal shippers organized to facilitate shipment of coal to tidewater, and which received the coal as agent for shippers, was not liable for demurrage, though the form of bill of lading named it as consignee for shippers' account, the carriers having knowledge of the relationship of the association to its members.

WHARFAGE DUES

In *The Rathlin Head*, 292 Fed. 867 (September 22, 1923), the court for the Eastern District of Louisiana held that wharfage dues imposed under authority of a State are not to be considered as tonnage duties or charges on foreign or interstate commerce, unless so excessive as to be a burden on the same.

CONFISCATORY RATES

In *S. W. Bell Teleph. Co.* v. *Fort Smith*, 294 Fed. 103 (September 17, 1923), the court for the Western District of Arkansas held that rates which are not sufficient to yield a reasonable return on the value of the property used at the time it is being used to render the service are confiscatory.

In *Colo. Power Co.* v. *Halderman*, 295 Fed. 179 (January 4, 1924), the court for the District of Colorado held that where a rate is fixed by a binding contract, a public utility can not complain, and the question of whether the rate is too low to give a reasonable return is immaterial.

WHAT IS A COMMON CARRIER?

In *Pac. Spruce Corp.* v. *McCoy*, 294 Fed. 711 (December 17, 1923), the court for the District of Oregon held that in determining whether a utility is a common carrier, whether it is operated by a foreign or domestic corporation, or whether the corporation is authorized to perform a public service by its articles, is not controlling, but the important thing is what it does.

CONSTRUCTION OF AN EXTENSION

In *Thunder Bay L. Co.* v. *D. & M. Ry. Co.*, 294 Fed. 958 (October 29, 1923), the court for the Eastern District of Michigan held that a certificate of public convenience and necessity granted by the commission for construction of a 125-mile extension authorities the construction of an extension with the same termini along a slightly changed route.

In *Lancaster* v. *G., C. & S. F. Ry. Co.*, 298 Fed. 488 (April 28, 1924), the court for the Southern District of Texas held that it is the province of the court in a suit for an injunction to determine whether the proposed construction is an extension or an industrial track, and that question need not first be determined by the commission; but the burden of proof is on the carrier to show the right to construct the track without authority from the commission.

It was further held, in the last-cited case, that a proposed track to be built from a a station on an interstate railroad, 7½ miles long and to cost about $500,000, with long side tracks, though designed solely for the purpose of securing carload shipments from large industrial plants now tributary to another line is not an "industrial track," but an "extension," requiring a certificate of authority from the commission.

COMMODITY RATES SUPERSEDE CLASS RATES

In *G., H. & S. A. Ry. Co.* v. *Lykes*, 294 Fed. 968 (August 24, 1923), the court for the Southern District of Texas held that where a commodity rate is made in a tariff, it supersedes the class rate, and is the only lawful rate that may be charged.

ROUTING OF TRAFFIC OVER LOWEST-RATE ROUTE

In the last-cited case it was also held that where no routing directions are given by a shipper, it is the duty of the carrier, when two routes are equally available, to forward over the one having the lower rate.

FINDINGS OF LABOR BOARD

In *Penn. R. R. System* v. *Penn. R. R. Co.*, 296 Fed. 220 (February 5, 1924), the court for the Eastern District of Pennsylvania held that the courts can not review a finding of the Railroad Labor Board, because the Supreme Court has declared that no court can review or meddle with what the labor board has done.

PRIOR ACTION BY COMMISSION

In *Penn. R. R. Co.* v. *C. & O. C. & C. Co.*, 297 Fed. 249 (October 29, 1923), the court for the Southern District of New York held that in the absence of proof that a promise by a railroad to collect freight charges from consignee and refund it to shipper was not an established practice, the question of the reasonableness of the practice was solely for the commission and not for the courts.

LIMITATION OF ACTION

In the last-cited case it was also held that a shipper's suit in a claim against a carrier for breach of contract to collect freight charges from the consignee and refund it to the shipper need not be brought within two years.

In *Hartness* v. *I. & V. R. R. Co.*, 297 Fed. 622 (March 22, 1924), the court for the Eastern District of Louisiana held that, under the interstate commerce act, where a carrier adopts a reasonable limitation of actions, it will be enforced as against State statutes allowing longer periods for filing suit. It was further held that a carrier is at liberty to grant longer periods for the filing of claims or the institution of suits than the minimum provided by the transportation act; but when a bill of lading attempts to shorten the time, the law must be considered as written into it, and must govern.

FALSIFYING RECORDS OF CARRIER

In *United States* v. *Tippitt*, 298 Fed. 495 (April 28, 1924), the court for the Northern District of Texas held that an indictment under the interstate commerce act for falsifying the records of an interstate carrier need not allege that such records were prescribed by the commission.

APPENDIX F

AVERAGE ANNUAL RAILWAY OPERATING INCOME CERTIFICATIONS THUS FAR MADE TO THE PRESIDENT PURSUANT TO SECTION 1 OF THE FEDERAL CONTROL ACT, APPROVED MARCH 21, 1918

AVERAGE ANNUAL RAILWAY OPERATING INCOME

The certifications made to the President, pursuant to section 1 of the Federal control act approved March 21, 1918, during the period from that date to October 31, 1923, are shown in Appendix F to our report for the year ended on October 31, 1923. The certifications made during the 12 months ended on October 31, 1924, are indicated below:

Name of carrier	Original certification	Corrected certification
Cripple Creek & Colorado Springs R. R. Co	$475,274.80	[1]
LaSalle & Bureau County R. R. Co	7,573.19	[1]
Midland Terminal Ry. Co	38,631.51	[1]
Natchez, Columbia & Mobile R. R. Co	27.56	[2] $19,787.71
Nevada County Narrow Gauge R. R. Co	27,669.58	[1]
New Haven & Dunbar R. R. Co	2,767.72	[1]
New Orleans, Natalbany & Natchez Ry. Co	[2] 4,121.83	[1]
Texas South-Eastern R. R. Co	23,012.96	17,501.51
Tonopah & Goldfield R. R. Co	257,065.28	[1]
Tonopah & Tidewater R R. Co	182,638.84	179,260.44
Washington, Idaho & Montana Ry. Co	51,873.72	[1]
Wyandotte Terminal R. R. Co	25,271.07	[1]

[1] This original certification is based upon corrected figures obtained through our review of the accounts and therefore it has the standing of a corrected certification.
[2] Deficit.

APPENDIX G

STATEMENTS OF CERTIFICATES AND ORDERS ISSUED UNDER VARIOUS SECTIONS OF THE INTERSTATE COMMERCE ACT AND THE TRANSPORTATION ACT, 1920, AND STATEMENT OF PAYMENTS MADE BY CARRIERS UNDER SECTION 15A OF THE INTERSTATE COMMERCE ACT

CERTIFICATES OF CONVENIENCE AND NECESSITY FOR CONSTRUCTION ISSUED UNDER PARAGRAPHS (18) TO (22) OF SECTION 1 OF THE INTERSTATE COMMERCE ACT

Name of applicant	Location of line	Mileage
Arizona Eastern R. R. Co	Pinal, Maricopa, and Yuma Counties, Ariz	172.50
Atchison, Topeka & Santa Fe Ry. Co	Noble County, Okla	9.60
Beaver, Meade & Englewood R. R. Co	Beaver and Texas Counties, Okla	39.20
Central of Georgia Ry. Co	Lee, Chambers, Tallapoosa, Coosa, Clay, Talladega, and Shelby Counties, Ala.	100.00
Detroit & Ironton R. R. Co	Henry and Fulton Counties, Ohio. Lenawee, and Monroe Counties, Mich.	55.71
Florida Western & Northern R. R. Co	Sumter, Lake, Polk, Highlands, Okeechobee, Palm Beach, Hillsborough, and Nassau Counties, Fla.	229.00
Do	Marion and Polk Counties, Fla	10.00
Jefferson Southwestern R. R. Co	Jefferson County, Ill	14.50
Marshall, Elysian Fields & Southeastern Ry. Co.	Harrison County, Tex	10.00
Mississippian Railway	Monroe and Itawamba Counties, Miss	25.00
North & South Ry. Co	Custer, Rosebud, and Big Horn Counties, Mont, Sheridan, Johnson, and Natrona Counties, Wyo.	332.00
Oregon-Washington Railroad & Navigation Co.	Harney County, Oreg	30.00
Do	Umatilla County, Oreg	3.00
Pittsburgh, Fort Wayne & Chicago Ry. Co. and Pennsylvania R. R. Co.	Stark and Columbiana Counties, Ohio	15.00
Prescott & Northwestern R. R. Co	Nevada County, Ark	26.00
Rio Grande City Ry. Co	Hidalgo and Starr Counties, Tex	22.00
St. Louis, Brownsville & Mexico Ry. Co	Willacy and Hidalgo Counties, Tex	28.00
San Antonio & Mexican Ry. Co	LaSalle, McMullen and Live Oak Counties, Tex	40.00
San Benito & Rio Grande Valley Ry. Co	Hidalgo County, Tex	30.93
Southern Railway Co	Knox County, Tenn	4.00
Do	Hawkins, Hamblen, and Jefferson Counties, Tenn	17.12
Tuskegee R. R. Co	Macon County, Ala	2.10
Union Pacific R. R. Co	Larimer County, Colo	18.00
Valley & Siletz R. R. Co	Polk County, Oreg	1.50
Virginian Railway Co	Wyoming County, W. Va	1.19
Wenatchee Southern Ry. Co	Chelan, Kittitas, and Benton Counties, Wash	82.00
Total miles of construction		1,318.35

CERTIFICATES OF CONVENIENCE AND NECESSITY FOR ABANDONMENT ISSUED UNDER PARAGRAPHS (18) TO (22) OF SECTION 1 OF THE INTERSTATE COMMERCE ACT

Name of applicant	Location of line	Mileage
Atchison, Topeka & Santa Fe Ry. Co. and California, Arizona & Santa Fe Ry. Co.	San Bernardino County, Calif. Clark County, Nev.	53.250
Alcolu R. R. Co	Florence County, S. C	4.000
Baltimore & Ohio R. R. Co	Tuscarawas County, Ohio	2.284
Baltimore & Ohio R. R. Co. and Baltimore & Southwestern R. R. Co.	Lawrence County, Ind	9.337
Blytheville, Burdette & Mississippi River Ry. Co.	Mississippi County, Ark	7.000
Boston & Maine R. R	York County, Me	3.830
Buffalo, Rochester & Pittsburgh Ry. Co	Jefferson County, Pa	1.120
Caddo & Choctaw R. R. Co	Pike County, Ark	1.000
Central New York Southern Railroad Corporation.	Cayuga and Tompkins Counties, N. Y	37.000
Chicago, Burlington & Quincy R. R. Co. and Deadwood Central R. R. Co.	Lawrence County, S. Dak	3.970
Chicago, Rock Island & Pacific Ry. Co	Coal County, Okla	4.940
Do	Logan and Lincoln Counties, Okla	34.200
Denver & Rio Grande Western R. R. Co	Lake and Summit Counties, Colo	35.680
Do	Chaffee County, Colo	7.130
Glenmora & Western Ry. Co	Rapides Parish, La	17.000
Kalamazoo, Lake Shore & Chicago Ry. Co	Kalamazoo and Van Buren Counties, Mich	16.000
Manistee & Northeastern Ry. Co	Benzie County, Mich	15.500
Minneapolis & St. Louis R. R. Co	Walworth County, S. Dak	12.567
Mobile & Ohio R. R. Co	Mobile County, Ala	3.910
Muscatine, Burlington & Southern R. R. Co.	Muscatine, Louisa, and Des Moines Counties, Iowa	53.800
New York, New Haven & Hartford R. R. Co.	New Haven County, Conn	11.780
Do	Kent County R. I	2.220
Do	Suffolk and Norfolk Counties, Mass	4.200
Oil Fields Short Line R. R. Co	Kay County, Okla	5.000
Pelham & Havana R. R. Co	Grady County, Ga. Gadsden County, Fla	25.300
Pere Marquette Ry. Co	Berrien County, Mich	25.690
Rock Island, Arkansas & Louisiana R. R. Co. and Chicago, Rock Island & Pacific Ry. Co.	Winn Parish, La	9.530
Rome & Northern Ry. Co	Floyd and Chattooga Counties, Ga	17.600
Stanley, Merrill & Phillips Ry. Co	Chippewa, Clark, and Taylor Counties, Wis	15.000
Statenville Ry. Co	Echols County, Ga	14.000
Total miles abandoned		453.838

CERTIFICATES OF CONVENIENCE AND NECESSITY FOR ACQUISITION AND/OR OPERATION OF LINES ISSUED UNDER PARAGRAPHS (18) TO (22) OF SECTION 1 OF THE INTERSTATE COMMERCE ACT

Name of applicant	Location of line	Mileage
Atchison, Topeka & Santa Fe Ry. Co	Kern County, Calif	16.750
Bonhomie & Hattiesburg Southern R. R. Co	Forrest and Perry Counties, Miss	25.950
Chicago, Indianapolis & Louisville Ry. Co	Lawrence County, Ind	1.559
Chicago, Mflwaukee & St. Paul Ry. Co	Ramsey County, Minn	5.200
Chicago, Rock Island & Pacific Ry. Co	Tillman County, Okla	14.950
Denver & Rio Grande Western R. R. Co	Huerfano County, Colo	4.180
Evansville, Indianapolis & Terre Haute Ry. Co.	Gibson and Pike Counties, Ind	6.000
High Point, Thomasville & Denton R. R. Co.	Guilford, Randolph, and Davidson Counties, N. C.	36.000
Lake Superior & Ishpeming R. R. Co	Marquette, Alger, and Schoolcraft Counties, Mich.	173.000
Marshall, Elysian Fields & Southeastern Ry. Co.	Harrison County, Tex	18.000
Maryland & Delaware Coast Ry. Co	Caroline County, Md., Sussex County, Del	40.000
Mfnarets & Western Ry. Co	Fresno and Madera Counties, Calif	43,900
Minnesota Western R. R. Co	Hennepin, Carver, McLeod, Meeker, and Kandiyohi Counties, Minn.	85.000
Northern Colorado & Eastern R. R. Co	Albany County, Wyo.; Jackson County, Colo	112.000
Oklahoma City-Ada-Atoka Ry. Co	Pottawatomie, Seminole, Pontotoc, and Coal Counties, Okla.	77.000
Oklahoma City Shawnee Interurban Ry. Co.	Oklahoma and Pottawatomie Counties, Okla	30.000
Port Utilities Commission of Charleston, S. C.	Charleston County, S. C	19.730
Reading Co	Berks, Bucks, Carbon, Chester, Columbia, Cumberland, Dauphin, Delaware, Franklin, Lebanon, Lehigh, Luzerne, Lycoming, Montgomery, Montour, Northampton, Northumberland, Philadelphia, Schuylkill, Snyder, Union, and York Counties, Pa.; Mercer and Somerset Counties, N. J.; and New Castle County, Del.	1,112.840
Rocky Mountain & Santa Fe Ry. Co	Colfax County, N. Mex	9.300
Salina & Santa Fe Ry. Co	Salina, Lincoln, Mitchell, and Osborne Counties, Kans.	81.000
Southern Pacific Co	Tulare County, Calif	4.000
South Georgia Ry. Co	Madison and Taylor Counties, Fla	30.980
Statesboro Northern Ry	Emanuel and Bulloch Counties, Ga	40.000
Superior & Southeastern Ry. Co	Ashland and Sawyer Counties, Wis	17.530
Tuskegee R. R. Co	Macon County, Ala	2.800
Visalia Electric R. R. Co	Madero County, Calif	11.680
Total		2,019.349

AUTHORIZATIONS OF CONTROL OF ONE CARRIER BY ANOTHER CARRIER UNDER PARAGRAPH (2) OF SECTION 5 OF THE INTERSTATE COMMERCE ACT

Carrier acquiring control	Control acquired		
	Owning company	Miles of road	How acquired
Atchison, Topeka & Santa Fe Ry. Co.	California Southern R. R Co	49.85	Purchase of stock.
Do	Grand Canyon Ry. Co	63.56	Lease.
Do	Oklahoma Central R. R. Co	135.00	Do.
Do	Rocky Mountain & Santa Fe Ry. Co	9.30	Do.
Do	Salina & Santa Fe Ry. Co	81.00	Purchase of stock and lease.
Atlantic Coast Line R. R. Co. and Louisville & Nashville R. R. Co.	Carolina, Clinchfield & Ohio Ry., Carolina, Clinchfield & Ohio Ry. of S. C., and Clinchfield Northern Ry. of Ky.	276.85	Lease.
Chicago, Rock Island & Pacific Ry. Co.	Keokuk & Des Moines Ry. Co	162.28	Do.
Colorado & Southern Ry. Co	Wichita Falls & Oklahoma R. R. Co. of Oklahoma.	7.50	Purchase of stock.
Denver & Rio Grande Western R. R. Co.	Rio Grande Junction Ry. Co., and RioGrande & Southwestern R. R. Co.	96.00	Do.
El Paso & Southwestern Co	Dawson R. R. Co., El Paso & Rock Island Ry. Co., El Paso & Northeastern Ry. Co., Alamagordo & Sacramento Mountain Ry. Co., El Paso & Northeastern R. R. Co.	460.17	Exchange of securities.
El Paso & Southwestern R. R. Co.	Dawson Ry. Co., El Paso & Rock Island Ry. Co., El Paso & Northeastern Ry. Co., Alamagordo & Sacramento Mountain Ry. Co., El Paso & Northeastern R. R. Co., Burro Mountain R. R. Co., Arizona & New Mexico Ry. Co.	585.34	Exchange of capital stock.
Do	Dawson Ry. Co., El Paso & Rock Island Ry. Co., El Paso & Northeastern Ry. Co., Alamagordo & Sacramento Mountain R. R. Co., El Paso & Northeastern R. R. Co., El Paso & Southwestern R. R. Co. of Texas.	464.86	Lease.
Georgia & Florida Ry	Statesboro Northern Ry	40.00	Purchase of stock and lease.
Gulf, Colorado & Santa Fe Ry. Co	Concho, San Saba & Llano Valley R. R. Co.	59.65	Lease.
Do	Pecos & Northern Texas Ry. Co	85.00	Lease.
Kansas City, Kaw Valley & Western Ry. Co.	Kansas & Missouri Railway & Terminal Co.	6.34	Purchase of stock.
Kansas City Southern Ry. Co	do	6.34	Do.[1]
Lehigh Valley R. R. Co	Delaware, Susquehanna & Schuylkill R. R. Co.	45.00	Lease and retention of stock ownership.
Lehigh Valley R. R. Co. and Reading Co.	Ironton R. R. Co	12.06	Purchase of stock.
Missouri Pacific R. R. Co	Denver & Rio Grande Western R. R. Co.	2,604.00	Do.[1]
Do	Texas & Pacific Ry. Co	1,847.84	Do.
Morgan's Louisiana & Texas Railroad & Steamship Co.	Franklin & Abbeville Ry. Co	40.085	Purchase of stock.
New Orleans, Texas & Mexico Ry. Co.	Houston & Brazos Valley Ry	28.48	Do
Do	International-Great Northern R. R Co.	1,159.50	Do.
New York, Ontario & Western Ry. Co.	Utica, Clinton & Binghamton R. R. Co., and Rome & Clinton R. R. Co.	45.00	Lease.
Oklahoma City-Ada-Atoka Ry. Co.	Missouri-Kansas-Texas R. R. Co	13.56	Do.
Do	Oklahoma City Shawnee Interurban Ry. Co.	38.00	Do.
Panhandle & Santa Fe Ry. Co	Pecos & Northern Texas Ry. Co	485.00	Lease.
St. Louis-San Francisco Ry. Co. and Kansas City, Fort Scott & Memphis Ry. Co.	Kansas City, Clinton & Springfield Ry. Co.	155.00	Lease and acquisition of stock.
Seaboard Air Line Ry. Co	Florida Western & Northern R. R. Co	239.00	Purchase of stock and lease.
St. Louis Southwestern Ry. Co. of Texas.	Stephenville North & South Texas Ry. Co.	105.18	Lease.
Southern Pacific Co	Arizona Eastern R. R. Co., Phoenix & Eastern R. R. Co.	382.00	Do.
Do	El Paso Southwestern System	1,139.87	Purchase of stock and lease.
Total		10,928.615	

[1] One-half interest.

AUTHORIZATIONS OF CONSOLIDATION OF TELEPHONE COMPANIES AND ACQUISITIONS OF TELEPHONE PROPERTIES UNDER PARAGRAPH (9) OF SECTION 407 OF THE TRANSPORTATION ACT, 1920, AS AMENDED

Bell Telephone Co. of Pennsylvania to acquire by purchase 44 miles of pole lines from the Petroleum Telephone Co.; and latter company to acquire by purchase certain properties of the Bell Telephone Co. of Pennsylvania, serving 2,377 subscribers, all in Pennsylvania.

Bell Telephone Co. of Pennsylvania to acquire by purchase certain properties of the Columbia Telephone Co., serving 1,422 subscribers; and latter company to acquire by purchase certain properties of the Bell Telephone Co. of Pennsylvania, serving 13 subscribers, with 3 pole miles of toll line, all in Pennsylvania.

Bell Telephone Co. of Pennsylvania to acquire, by purchase, certain properties of the Bedford-Fulton Telephone Co. and latter company to acquire by purchase certain properties of the Bell Telephone Co. of Pennsylvania, serving 93 subscribers, in Pennsylvania.

Bell Telephone Co. of Pennsylvania to acquire, by purchase, certain properties of the Morrison's Cove Telephone Co. and latter company to acquire by purchase certain properties of the Bell Telephone Co. of Pennsylvania, serving 66 subscribers, in Pennsylvania.

Chesapeake & Potomac Telephone Co. of Virginia to acquire by purchase certain properties of the Cumberland Valley Telephone Co., of Baltimore City, in Virginia, not under operation.

Cumberland Telephone & Telegraph Co. to acquire by purchase the properties of the Louisville Home Telephone Co., the Central Home Telephone Co., the Independent Long Distance Telephone & Telegraph Co., and their subsidiaries, serving 47,086 subscribers, all in Kentucky.

Illinois Bell Telephone Co. to acquire by purchase certain properties of the Commercial Telephone & Telegraph Co., serving 2,161 subscribers, with 335 pole miles of toll lines; and latter company to acquire by purchase 138 pole miles of toll lines from the Illinois Bell Telephone Co., all in Illinois.

Illinois Bell Telephone Co. to acquire by purchase from the estate of Hiram D. Wagner, deceased, 32 pole miles of toll lines, in Illinois.

Mountain States Telephone & Telegraph Co. to acquire by purchase the properties of the Eastern Utah Telephone Co., in Utah, serving 1,000 subscribers, with 223 pole miles of toll lines.

Mountain States Telephone & Telegraph Co. to acquire by purchase the properties of the Iron County Telephone Co., in Utah, serving 418 subscribers, with 77 pole miles of toll lines.

Northwestern Bell Telephone Co. to acquire by exchange, certain properties of the Adel Mutual Telephone Co., serving 147 subscribers; and latter company to acquire by exchange certain properties of the Northwestern Bell Telephone Co., serving 11 rural subscribers, all in Iowa.

Ohio Bell Telephone Co. to acquire by purchase the properties of the Upper Sandusky Telephone Co., in Ohio, serving 998 subscribers, with 39.3 pole miles of toll lines.

Pacific Telephone & Telegraph Co. to acquire by purchase the properties of the Nez Perce Cooperative Telephone Co., in Idaho, serving 1,593 subscribers.

Southern Bell Telephone & Telegraph Co. to acquire by purchase the telephone properties of the Black Mountain Telephone Corporation, in North Carolina, serving 200 subscribers.

Southern Bell Telephone & Telegraph Co. to acquire by purchase the properties of the Brevard County Telephone Co., in Florida, serving 1,332 subscribers, with 29 pole miles of toll lines.

Southern Bell Telephone & Telegraph Co. to acquire by purchase the properties of the Florida Telephone Co. and the East Florida Telephone Co., in Florida, serving 434 subscribers, with 387 pole miles of toll lines.

Southern New England Telephone Co. to acquire by purchase the properties of the East Haven Telephone & Electric Co., in Connecticut, serving 400 subscribers.

Southwestern Bell Telephone Co. to acquire control of the Kansas City Telephone Co. and its affiliated companies, which operate in Missouri, Kansas, and Texas, by purchase of capital stock.

Tuscarawas County Telephone Co. to acquire by purchase certain properties of the Ohio Bell Telephone Co., serving 156 subscribers, with 17 pole miles of toll lines and a one-half interest in 7 additional miles; and latter company to acquire by purchase certain properties of the Tuscarawas County Telephone Co., serving 1,099 subscribers, with 5.5 pole miles of toll lines and a one-third interest in 18 additional miles, all in Ohio.

United Telephone Co. to acquire by purchase the properties of the Consolidated Telephone Co., the St. Francis Telephone Co., and of certain individuals, serving 13,111 subscribers, with 453 pole miles of toll lines, in Kansas.

United Telephone Co. to acquire by purchase the properties of the Herington Cooperative Telephone Exchange, serving 670 subscribers, in Kansas.

United Telephone Co. to acquire by purchase the properties of the New Hope Telephone Co., serving 290 subscribers, in Kansas.

Wisconsin Telephone Co. to acquire control of the La Fayette County Telephone Co., which operates in Wisconsin, by purchase of capital stock.

CERTIFICATES ISSUED IN SETTLEMENT UNDER SECTION 204 OF THE TRANSPORTATION ACT, 1920, DURING THE YEAR ENDED OCTOBER 31, 1924 [1]

Name of carrier	Gross amount due	Deductions on account of traffic balances
Alabama Central Ry	$9,136.52	
Amador Central	35,835.06	$25.41
Arizona & New Mexico	86,742.77	
Arkansas & Louisiana Midland	82,649.45	66,343.57
Bay Terminal	7,499.00	
Birmingham & Southeastern	20,429.11	
Brownstone & Middletown	296.88	
Central Ry. Co. of Arkansas	27,730.27	
Coudersport & Port Allegany	5,796.05	10,495.77
Delaware & Northern	51,965.56	57,117.22
East Texas & Gulf	14,405.37	
Freeo Valley	6,498.52	
Georgia & Florida	41,743.49	97,000.00
Illinois Southern	199,626.62	
Kansas, Oklahoma & Gulf	106,363.47	
Keeseville, Ausable Chasm & Lake Champlain	3,899.52	7,736.92
Lake Champlain & Moriah	73,315.97	
Lorain & Southern	[2] *2,849.58*	
Mineral Point & Northern	12,222.92	
Montour	125,224.08	107,000.00
Morenci Southern	7,127.02	
Nevada County Narrow Gauge	9,039.71	
North Louisiana & Gulf	9,656.19	2,418.10
Penn Yan & Lake Shore	2,204.23	
Pittsburgh & Susquehanna	34,284.99	5,051.40
Prescott & Northwestern	7,496.50	
Springfield Electric	22,949.76	
Texas South-Eastern	3,986.29	
Texas State	[2] *5,361.54*	2,443.40
Thornton & Alexandria	10,056.00	
Tionesta Valley	1,474.88	
Trinity & Brazos Valley	27,665.22	100,000.00
Trinity Valley & Northern	5,085.79	65.28
Warrenton & Ouachita	15,558.38	601.80
Waycross & Southern	7,762.51	
Wellington & Powellsville	18,577.94	154.61
White River (Vt.)	1,329.31	304.78
White Sulphur Springs & Yellowstone Park	6,999.49	
Wichita Northwestern	49,351.78	
Williamsport & North Branch	10,718.73	
Woodworth & Louisiana Central	10,140.51	
Wyandotte Terminal	27,489.78	
Wyoming	12,455.45	13,275.89
Total	1,204,579.97	470,034.15

[1] For detail of certificates of partial payments, settlements, and deductions in connection therewith on account of traffic balances, issued prior to Nov. 1, 1923, see pp. 239 to 241, Appendix G, Thirty-seventh Annual Report of the Commission, Dec. 1, 1923.

[2] Amount due to the United States.

CASES DISMISSED UNDER SECTION 204 OF THE TRANSPORTATION ACT, 1920, DURING THE YEAR ENDED OCTOBER 31, 1924

Chicago, Harvard & Geneva Lake.
Indian Creek Valley.
Memphis, Dallas & Gulf.
Ohio & Kentucky.
Pelham & Havana.
Spokane & Inland Empire.
Texas Short Line.
Trinity Valley Southern.
Union Stock Yards Co. of Omaha (Ltd.).
United Railway (Pa.).

CERTIFICATES ISSUED IN SETTLEMENT UNDER SECTION 209 OF THE TRANSPORTATION ACT, 1920, DURING THE YEAR ENDED OCTOBER 31, 1924 [1]

Carrier	Amount [2]	Carrier	Amount [2]
Alabama & Vicksburg	$187,744.92	Missouri & Illinois Bridge & Belt	*$20,895.56*
Alabama Central R. R.	933.48	Missouri, Kansas & Texas	*410,558.51*
Arizona & New Mexico	13,191.39	Missouri, Kansas & Texas of Texas	1,318,845.55
Arkansas & Louisiana Midland	5,429.65	Missouri Pacific	660,448.73
Arkansas Central	33,378.31	Missouri Southern	7,838.83
Atlanta & St. Andrews Bay	*42,458.25*	Monongahela	432,819.43
Atlantic, Waycross & Northern	575.79	Monson	268.58
Baltimore, Chesapeake & Atlantic	*68,117.76*	Morenci Southern	19,380.92
Bangor & Aroostook	*11,419.81*	Mount Hood	18,095.26
Barnegat	3,457.49	Muscatine, Burlington & Southern	*14,528.40*
Birmingham & Southeastern	*9,612.44*	New Park & Fawn Grove	2,071.56
Bowdon	10,669.09	Nezperce & Idaho	1,274.44
Buffalo Creek	232,252.77	Norfolk & Portsmouth Belt Line	*3,555.69*
Campbells Creek	*3,560.52*	Norfolk & Western	593,668.16
Central Indiana	48,173.78	Ohio River & Western	24,169.19
Chicago Great Western	22,660.60	Penn Yan & Lake Shore	1,631.66
Chicago, Milwaukee & Gary	78,327.97	Peoria Terminal	*9,650.04*
Chicago River & Indiana	(nil)	Philadelphia & Beach Haven	4,648.79
Chicago, West Pullman & Southern	5,897.87	Pittsburgh, Chartiers & Youghiogheny	140,705.12
Cincinnati, Lebanon & Northern	98,988.33	Pittsburgh, Shawmut & Northern	200,281.91
Copper Range	33,436.00	Railway Transfer Co. of City of Minneapolis	21,913.00
Cumberland & Pennsylvania	80,066.28	Rockingham	952.11
Delaware & Northern	9,987.83	Rome & Northern	2,270.61
Delaware, Lackawanna & Western	*125,849.97*	Rosslyn Connecting	*5,677.03*
Elberton & Eastern	5,856.29	St. Johnsbury & Lake Champlain	9,987.78
Evansville & Indianapolis	228,594.35	St. Joseph & Grand Island	121,867.32
Florida East Coast	694,150.86	St. Paul Bridge & Terminal	23,570.05
Gainesville Midland	10,149.63	Saratoga & Encampment	13,663.56
Georgia	48,223.11	Seaboard Air Line	650,188.43
Greenwich & Johnsonville	6,847.61	Shearwood	1,671.32
Harlem Transfer	31,200.85	Sussex	118,202.13
Huntingdon & Broad Top Mountain Railroad & Coal	48,083.75	Texas State	192.94
Kansas, Oklahoma & Gulf	40,770.22	Toledo, St. Louis & Western	50,774.09
Kentwood & Eastern	12,932.18	Trinity & Brazos Valley	26,576.44
Lackawanna & Montrose	21,751.58	Trinity Valley Southern	866.01
Leavenworth & Topeka	6,363.85	Valdostia, Moultrie & Western	13,178.48
Lehigh Valley	282,585.02	Virginian	165,985.63
Lorain, Ashland & Southern	261,938.01	Washington & Lincolnton	12,175.61
Louisville Bridge & Terminal	*142,827.01*	Western Maryland	24,361.03
Maryland, Delaware & Virginia	37,498.18	Wichita Falls & Northwestern	*91,129.19*
Manistique & Lake Superior	3,686.60	Wichita Northwestern	3,870.17
Manufacturers (of Toledo, Ohio)	45,160.60	Williamson & Pond Creek	29,670.52
Marion Railway Corporation	1,570.18	Yreka	*562.52*
Midland Valley	90,634.31		
Minneapolis & St. Louis	*292,022.25*	Net amount certified for payment	6,171,536.70
Minnesota Northwestern Electric	3,383.00		
Missouri & North Arkansas	*41,375.46*		

[1] For detail of certificates of advances, partial payments, and settlements issued prior to Nov. 1, 1923, see pp. 242 to 247, Appendix G, Thirty-seventh Annual Report of the Commission, Dec. 1, 1923.
[2] Figures in italic represent amount due to the United States.

CARRIERS COVERED BY SETTLEMENT CERTIFICATES ISSUED UNDER SECTION 209, TRANSPORTATION ACT, 1920, TO CONTROLLING CARRIER, DURING THE YEAR ENDED OCTOBER 31, 1924

Name of carrier	Controlling carrier
Baltimore Steam Packet	Seaboard Air Line.
Louisiana & Mississippi Transfer	Alabama & Vicksburg.
Missouri, Oklahoma & Gulf	Kansas, Oklahoma & Gulf.
Missouri, Oklahoma & Gulf of Texas	Do.

CASES DISMISSED UNDER SECTION 209 OF THE TRANSPORTATION ACT, 1920, DURING THE YEAR ENDED OCTOBER 31, 1924

Alabama & Northwestern.
Chartiers Southern.
Cumberland Northern.
Hudson & Manhattan.
Indian Creek Valley.
Lake Providence, Texarkana & Western.
Lawrenceville Branch.
Macomb, Industry & Littleton.
Marion & Eastern.
Missouri & Kansas.
Morristown & Erie.
New Jersey & New York.
Ocala & Southwestern.
Ohio & Kentucky.

LOANS CERTIFIED TO THE SECRETARY OF THE TREASURY UNDER SECTION 210 OF THE TRANSPORTATION ACT, 1920, AS AMENDED, SINCE THE EFFECTIVE DATE OF SAID ACT; REPAYMENTS MADE ON ACCOUNT OF SUCH LOANS, AND STATUS OF THE REVOLVING FUND CREATED BY SAID SECTION

Name of carrier	Total loans	Total repayments	Net certified indebtedness
Akron, Canton & Youngstown	$212,000.00		$212,000.00
Alabama & Vicksburg	1,394,000.00	$1,394,000.00	
Alabama, Tennessee & Northern	489,000.00	68,750.00	420,250.00
Ann Arbor	650,000.00	280,000.00	370,000.00
Aransas Harbor Terminal	50,000.00		50,000.00
Atlanta, Birmingham & Atlantic	200,000.00	20,000.00	180,000.00
Baltimore & Ohio	[1] 8,200,000.00	1,313,333.33	6,886,666.67
Bangor & Aroostook	[2] 253,100.00	66,620.00	186,480.00
Birmingham & Northwestern	75,000.00		75,000.00
Boston & Maine	26,705,479.00	5,000,000.00	21,705,479.00
Buffalo, Rochester & Pittsburgh	1,000,000.00	1,000,000.00	
Cambria & Indiana	250,000.00	250,000.00	
Carolina, Clinchfield & Ohio	10,000,000.00	10,000,000.00	
Central New England	300,000.00		300,000.00
Central of Georgia	237,900.00	237,900.00	
Central Vermont	193,000.00	39,000.00	154,000.00
Charles City Western	140,000.00		140,000.00
Chesapeake & Ohio	9,097,000.00	1,023,976.03	8,073,023.97
Chicago & Eastern Illinois	785,000.00		785,000.00
Chicago & Western Indiana	8,000,000.00	384,000.00	7,616,000.00
Chicago Great Western	2,685,373.00	480,000.00	2,205,373.00
Chicago, Indianapolis & Louisville	200,000.00	45,000.00	155,000.00
Chicago, Milwaukee & St. Paul	70,340,000.00	35,340,000.00	35,000,000.00
Chicago, Rock Island & Pacific	[3] 11,430,540.00	3,568,540.00	7,862,000.00
Cisco & Northeastern	236,450.00		236,450.00
Cowlitz, Chehalis & Cascade	45,000.00		45,000.00
Cumberland & Manchester	375,000.00		375,000.00
Erie	11,574,450.00		11,574,450.00
Evansville, Indianapolis & Terre Haute	400,000.00	400,000.00	
Fernwood, Columbia & Gulf	33,000.00	13,000.00	20,000.00
Flemingsburg & Northern	7,250.00	7,250.00	
Fort Dodge, Des Moines & Southern	200,000.00		200,000.00
Fort Smith & Western	156,000.00		156,000.00
Gainesville & Northwestern	75,000.00		75,000.00
Georgia & Florida	792,000.00		792,000.00
Great Northern	33,496,000.00	33,496,000.00	
Greene County	60,000.00	18,000.00	42,000.00
Gulf, Mobile & Northern	1,433,500.00		1,433,500.00
Hocking Valley	1,665,000.00		1,665,000.00
Illinois Central	4,440,000.00	4,440,000.00	
Indiana Harbor Belt	579,000.00	579,000.00	
International & Great Northern	194,300.00	194,300.00	
Inter-Urban	633,500.00		633,500.00
Kansas City, Mexico & Orient	5,000,000.00	2,500,000.00	2,500,000.00
Kansas City Terminal	580,000.00		580,000.00
Lake Erie, Franklin & Clarion	25,000.00	7,500.00	17,500.00
Long Island	719,000.00	719,000.00	
Louisville & Jeffersonville Bridge & Railroad	162,000.00	15,000.00	147,000.00
Maine Central	2,373,000.00		2,373,000.00
Minneapolis & St. Louis	[4] 1,768,190.00	13,459.78	1,754,730.22
Missouri & North Arkansas	3,500,000.00		3,500,000.00
Missouri, Kansas & Texas of Texas	450,000.00	450,000.00	
Missouri Pacific	10,071,760.00	4,602,000.00	5,469,760.00
New Orleans, Texas & Mexico	[5] 1,160,000.00	425,586.24	734,413.76
New York Central	26,775,000.00	26,775,000.00	
New York, New Haven & Hartford	27,530,000.00	300,000.00	27,230,000.00
Norfolk Southern	1,666,000.00	104,300.00	1,561,700.00
Northern Pacific	6,000,000.00	6,000,000.00	
Pennsylvania	12,480,000.00	12,480,000.00	

[1] Includes $5,200,000 loaned through National Railway Service Corporation.
[2] Includes $53,100 loaned through National Railway Service Corporation.
[3] Includes $1,568,540 loaned through National Railway Service Corporation.
[4] Includes $386,190 loaned through National Railway Service Corporation.
[5] Includes $926,000 loaned through National Railway Service Corporation.

Loans certified to the Secretary of the Treasury under section 210 of the Transportation Act, 1920, as amended, since the effective date of said Act; repayments made on account of such loans, and status of the revolving fund created by said section—Continued

Name of carrier	Total loans	Total repayments	Net certified indebtedness
Peoria & Pekin Union	$1,799,000.00	$1,799,000.00	
Rutland	61,000.00	61,000.00	
Salt Lake & Utah	1,000,000.00	127,400.00	$872,600.00
Seaboard Air Line	[6] 19,857,400.00	975,000.00	18,882,400.00
Shearwood	29,000.00		29,000.00
Tampa Northern	100,000.00	100,000.00	
Tennessee Central	1,500,000.00		1,500,000.00
Terminal Railroad Association of St. Louis	896,925.00	896,925.00	
Toledo, St. Louis & Western	692,000.00	138,000.00	554,000.00
Trans-Mississippi Terminal	1,000,000.00	1,000,000.00	
Virginia Blue Ridge	106,000.00		106,000.00
Virginia Southern	38,000.00		38,000.00
Virginian	2,000,000.00	2,000,000.00	
Waterloo, Cedar Falls & Northern	1,320,000.00	60,000.00	1,260,000.00
Western Maryland	3,422,800.00	600,000.00	2,822,800.00
Wheeling & Lake Erie	[7] 6,764,000.00	115,153.54	6,648,846.46
Wichita Northwestern	381,750.00		381,750.00
Wilmington, Brunswick & Southern	90,000.00		90,000.00
Total	350,600,667.00	161,922,993.92	188,677,673.08

[6] Includes $4,400,000 loaned through Seaboard Bay-Line Company.
[7] Includes $3,304,000 loaned through National Railway Service Corporation.

STATUS OF REVOLVING FUND

Appropriation	$300,000,000.00
Accrued interest and repayments of principal paid to Oct. 31, 1924	206,963,312.83
Total	506,963,312.83
Tentatively reserved for claims, judgments, etc., arising out of Federal control	40,000,000.00
Balance available for loans	466,963,312.83
Total loans certified or approved	350,731,467.00
Unencumbered balance	116,231,845.83

PAYMENTS MADE BY CARRIERS OF ONE-HALF OF THEIR EXCESS NET RAILWAY OPERATING INCOME, AS PRELIMINARILY COMPUTED, UNDER PARAGRAPH (6) OF SECTION 15a OF THE INTERSTATE COMMERCE ACT, SINCE THE EFFECTIVE DATE OF SAID ACT

Name of carrier	1920	1921	1922	1923	Total
Ashley, Drew & Northern Ry. Co			$2,466.29		$2,466.29
Augusta Northern Ry			146.26	490.87	637.13
Bauxite & Northern Ry. Co	$7,979.03			$3,872.69	11,851.72
The Bay Terminal R. R. Co			1,569.98	879.76	2,449.74
Bessemer & Lake Erie R. R. Co				442,280.00	442,280.00
Birmingham Southern R. R. Co			26,335.03		26,335.03
Brimstone Railroad & Canal Co		$5,774.73	21,731.40		27,506.13
Cambria & Indiana R. R. Co	18,630.46				18,630.46
Campbell's Creek R. R. Co		548.53			548.53
Central Ry. Co. of Arkansas			324.92		324.92
Chicago & Illinois Midland Ry. Co	73,060.16			78,783.94	151,844.10
Cornwall R. R. Co	42,739.17		10,025.82	32,311.17	85,076.16
Dayton-Goose Creek Ry. Co	4,963.20	10,663.64	24,576.68	35,568.80	75,772.32
Detroit & Toledo Shore Line R. R. Co	21,528.88		31,252.82		52,781.70
Duluth, Missabe & Northern Ry. Co	620,000.00		89,000.00	2,142,000.00	2,851,000.00
East Jersey Railroad & Terminal Co			3,332.61		3,332.61
East Jordan & Southern R. R. Co		4,753.61			4,753.61
Elgin, Joliet & Eastern Ry. Co				55,147.23	55,147.23
Erie & Michigan Ry. & Navigation Co			2,297.08		2,297.08
Fordyce & Princeton R. R. Co		3,697.50			3,697.50
Fort Worth Belt Ry. Co		4,963.37	18,577.74	23,821.07	47,362.18
Franklin & Abbeville Ry. Co		3,523.72	11,796.46		15,320.18
Genesee & Wyoming R. R. Co	46,515.58	55,144.06	100,070.13	65,456.21	267,185.98
Gideon & North Island R. R. Co	980.71				980.71
Indian Creek Valley Ry. Co			3,852.92		3,852.92
Indiana Northern Ry. Co	2,140.67				2,140.67
Ironton R. R. Co	30,507.60	54,155.03	98,715.88	162,465.16	345,843.67
Kinston Carolina R. R. Co		62.91			62.91
Lakeside & Marblehead R. R. Co			271.94	5,206.51	5,478.45
Lancaster & Chester Ry. Co			14,760.90		14,760.90
Laurinburg & Southern R. R. Co		2,518.23			2,518.23
Louisiana & Arkansas Ry. Co				8,000.02	8,000.02
Louisiana & Mississippi Railroad & Transfer Co	20.03				20.03
Middletown & Unionville R. R. Co	51.71				51.71
Missouri & Illinois Bridge & Belt R. R. Co				3,026.82	3,026.82
Mount Hood R. R. Co			5,745.04	1,614.79	7,359.83
Mount Hope Mineral R. R. Co				1,001.48	1,001.48
Neame, Carson & Southern R. R. Co			2,120.41		2,120.41
New Orleans, Texas & Mexico Ry. Co				5,248.35	5,248.35
Philadelphia, Bethlehem & New England R. R Co			6,578.14	20,987.98	27,566.12
Port Huron & Detroit R. R. Co			8,658.92	22,000.00	30,658.92
Richmond, Fredericksburg & Potomac R. R. Co			169,343.37	25,576.51	194,919.88
Rockport, Langdon & Northern Ry. Co	441.10				441.10
Shreveport, Houston & Gulf R. R. Co			1,674.27		1,674.27
Sioux City Terminal Ry. Co			455.78	1,014.63	1,470.41
South Buffalo Ry. Co			23,768.50		23,768.50
St. Joseph Belt Ry. Co		685.72	1,939.04		2,624.76
Steelton & Highspire R. R. Co				7,410.21	7,410.21
Sugar Land Ry. Co	25,080.30		1,873.72	481.65	27,435.67
Talbotton R. R. Co				36.56	36.56
Tionesta Valley Ry. Co		13,102.90	7,841.52		20,944.42
Toledo Terminal R. R. Co			18,337.07		18,337.07
Trinity Valley Southern R. R. Co			17.65		17.65
Tuckerton R. R. Co		564.84			564.84
Tucson, Cornelia & Gila Bend R. R. Co				11,997.34	11,997.34
Unity Railways Co	920.86			9,309.77	10,230.63
Warren & Ouachita Valley Ry. Co		7,339.26	424.15	6,681.04	14,444.45
Warrenton R. R. Co		1,909.15	3,496.99	3,302.89	8,709.03
Washington Run R. R. Co		366.21			366.21
Wyandotte Terminal R. R. Co				511.52	511.52
Total	895,559.46	169,773.41	713,379.43	3,176,484.97	4,955,197.27

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